

Agenda

Environmental Protection Commission

November 20, 1995

10:00 AM

Wallace State Office Building, Fourth Floor Conference Room

Public Participation

10:30 A.M.

Agenda topics

- | | | |
|-----|---|----------------------------------|
| 1. | Approve Agenda | |
| 2. | Approve Meeting Minutes of October 16, 1995 | |
| 3. | Director's Report | Larry Wilson (Information) |
| 4. | Monthly Financial Status Report | Stan Kuhn (Information) |
| 5. | Iowa Business Loan Program for Waste Reduction and Recycling Contract | Teresa Hay (Decision) |
| 6. | Landfill Alternatives Financial Assistance Program - Overview | Teresa Hay (Information) |
| 7. | Monthly Reports | Allan Stokes ((Information) |
| 8. | Final Rule--Chapter 112, Infectious Waste | Allan Stokes (Decision) |
| 9. | Nonpoint Source Pollution Control Project Contract | Allan Stokes (Decision) |
| 10. | 1995-96 Small Business Assistance Program Contract with UNI | Allan Stokes (Decision) |
| 11. | Interagency Agreement for the Small Business Ombudsman Program | Allan Stokes (Decision) |
| 12. | Interagency Agreement for Polk County Air Pollution Control Program | Allan Stokes (Decision) |
| 13. | Interagency Agreement for Linn County Air Pollution Control Program | Allan Stokes (Decision) |
| 14. | Contract - Jacob's Engineering for Air Construction Permit Review | Allan Stokes (Decision) |
| 15. | State Revolving Fund Intended Use Plan - FY 1996 | Allan Stokes (Information) |
| 16. | Notice of Intended Action--Chapter 61, Water Quality Standards, Corps Nationwide Permit for Single Family Housing | Allan Stokes (Decision) |

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| 17. | Final Rule--Chapter 47, Grants to Counties | Allan Stokes (Decision) |
| 18. | Notice of Termination of Rulemaking--Chapters 40 and 43, Water Supply Fees | Allan Stokes (Decision) |
| 19. | Proposed Rule--Chapters 20, 22, 23, and 29, Air Quality Rules Update and Waiver of Title V Applicability for Small Sources - MACT | Allan Stokes (Information) |
| 20. | Final Rule--Chapter 135, Underground Storage Tanks | Allan Stokes (Decision) |
| 21. | Proposed Contested Case Decision--Owens and Owens Realty, Inc.; Keith Owens; and Howard Maurer | Allan Stokes (Decision) |
| 22. | 1996 Legislation | Teresa Hay (Information) |
| 23. | General Discussion | |
| 24. | Address Items for Next Meeting | |

Next Meeting Dates

December 18, 1995

January 16, 1996 (Tuesday)

February 19, 1996

ENVIRONMENTAL PROTECTION COMMISSION

Monday, November 20, 1995

NAME

COMPANY OR AGENCY

CITY

(PLEASE PRINT)

Michael Carvin	Advanced Technologies Group	Iowa City
Steven Rector MD	Iowa Watch on Infectious Waste	Wapello, IA
Dori Rector PhD		Ottumwa
Rogers Badgett	The Raj Resort	Fairfield
John Fagan PhD	MUM	"
Barb Pauls	PEACE	Eldon
Ed Malloy	Fairfield City Council	
Carol Ingberman	IWIW	Fairfield
DANNY VEST	GROWMARK, INC.	BLOOMINGTON, IL.
Shirley Cox		Eldon, IA
Laurie Sammons	PEACE	Eldon, IA
Jane McAlister	Ahlens Law Firm	DSM
WILLIAM R. VEECHAN BFP		Bloomington, MN
Jodi Chapman	WHO-AM	DSM
Keith Young	IES Utilities	CR, IA
Bruce A. Lacy	IES Utilities	Adair Rapids, IA

ENVIRONMENTAL PROTECTION COMMISSION

Monday, November 20, 1995

NAME

COMPANY OR AGENCY

CITY

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JOYCE STRUBEL

IWIW

FARFELD, IA

MICHAEL COSGROVE

Dm Register

DM

Perry Beemer

Linda Martindale

CHUCK MARTINDALE

Ia Med Waste

Merrill, Ia
MERRILL, IA
CEDAR RAPIDS

John Havens

Jim Scott

Im WRC

Cedar Rapids

Dan Jacobi

Fawn Engineering Corp.

Clive, IA

Frank Hirschman

Ia Citizens Aide Ombudsman
Office

DSM

Amy Christensen

Sullivan & Wad

Des Moines

Steven Martens

C.R. Gazette

Des Moines

Gloria Huerfano

IDED

DSM
DSM

Lelia Hickey

Iowa Hospitals & Health Systems

DSM

Mike Amis

KCCI-TV

Susel Fagan

IWIW

Fairfield, Ia.

Barb Pauls

~~Eaton~~

Eldon, IA

Patrick Lally

Lee Newspapers

DSM

Chris Gault

Farm Bureau

WDSM

ENVIRONMENTAL PROTECTION COMMISSION

Monday, November 20, 1995

NAME	COMPANY OR AGENCY	CITY
(PLEASE PRINT)		
Scott Iocag	Bryan Cave	KC
THOMAS MATTHEWS		D.M.
John P. Mullen	Sierra club	D.M.
Steve Seegal	ICAN	Butte
Cathy Clarice	Drake	DM
Ch. Van Am	Drake	DM
Brad M. Stevenson	Drake	DM
Cathy Mathews	Drake	DSM
Debra Winterton	Drake	DM
P.J. Keisberg	Drake	DM,
Teva Dawson	Drake	DSM
Sonia Shimeall	Drake	DSM
Jeff Pithan	Drake	DSM
Amanda Lancia	Drake	DSM
Kelly LaMarre	Drake	DSM
Theresa Kibbe	IA Senate	DSM

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MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING

NOVEMBER 20, 1995

WALLACE STATE OFFICE BUILDING
DES MOINES, IOWA

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MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson King at 10:00 a.m. on Monday, November 20, 1995, in the Wallace State Office Building, Des Moines, Iowa.

MEMBERS PRESENT

Verlon Britt
Kathryn Draeger
William Ehm
Rozanne King, Chair
Charlotte Mohr, Secretary
Gary Priebe, Vice-Chair
Terrance Townsend

MEMBERS ABSENT

Michael Fesler
Kathryn Murphy

Director Wilson announced that Kathryn Murphy called and related that she had a conflict with today's meeting, and Michael Fesler is ill.

ADOPTION OF AGENDA

The following adjustments were made to the agenda:

- Director Wilson noted that Item #22, 1996 Legislation should be a Decision item rather than an Information item.

Motion was made by William Ehm to approve the agenda as amended. Seconded by Charlotte Mohr. Motion carried unanimously.

APPROVED AS AMENDED

APPROVAL OF MINUTES

Motion was made by William Ehm to approve the meeting minutes of October 16, 1995, as presented. Seconded by Terrance Townsend. Motion carried unanimously.

APPROVED AS PRESENTED

DIRECTOR'S REPORT

Larry Wilson, Director, stated that Governor Branstad recently created two task forces, one to review the state tax structure and the other to study the regulatory climate. Mr. Wilson related that last year he spoke with Dave Lyons, DED Director, in regard to having a firm analyze the process and procedures for departmental environmental permit programs. He noted that the task force is an outgrowth of that effort to evaluate process and procedures. Director Wilson added that a technical advisory committee, chaired by Bill Trent, has been formed to evaluate these areas. Public meetings will be held across the state to seek input on these issues and how to improve the system. McGladrey and Pullen, Inc. has been hired to look at the process and procedures that other states have in their environmental departments. Director Wilson indicated that following the review by McGladrey and Pullen and the public meetings, McGladrey and Pullen will prepare a report on their findings which will then be presented to the Governor.

Charlotte Mohr asked if there will be anything in the report that should maybe be in the legislative package.

Director Wilson stated that the report could possibly result in an item for the legislative package or the appropriations package.

FINANCIAL STATUS REPORT - YTD DIVISION EXPENDITURES

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

Accompanying this item is the YTD October 30, 1995 division-level expenditure status report. Staff will present this report at the meeting and respond to questions regarding financial issues.

DIRECTOR'S OFFICE/I&E BUREAU					
EXPENSE CATEGORY	Actual FY95	Budget FY96	YTD Budget 10/31/95	YTD Actual 10/31/95	Under (Over)
PERS SERV	1,004,589	1,038,827	311,648	293,961	17,687
PERS TRV IN	41,546	54,282	13,571	9,887	3,684
STATE VEHICL	4,535	7,431	2,452	1,132	1,320
DEPRECIATION	7,860	12,640	4,171	2,660	1,511
PERS TRV OUT	10,438	9,500	2,375	3,986	(1,611)
OFF SUPPLY	71,747	76,600	19,150	34,251	(15,101)
FAC MAINT SU	34	31,000	7,750	1,304	6,446
EQUIP MAINT	4,166	6,850	1,713	346	1,367
OTHER SUPPLY	63,923	58,400	14,600	25,309	(10,709)
PRINT & BIND	259,174	325,944	81,486	20,673	60,813
UNIFORMS	1,951	2,150	538	356	182
COMMUNICATIO	28,986	25,800	6,450	6,186	264
RENTALS	2,193	2,000	500	581	(81)
UTILITIES	187	750	188	62	126
PROF SERV	53,169	80,070	20,018	650	19,368
OUTSIDE SERV	31,516	26,550	6,638	10,469	(3,832)
ADVER PUB	0	5,000	1,250	0	1,250
DATA PROC	7,275	14,050	3,513	652	2,861
REIMBURSEMENT	3,896	6,175	1,544	0	1,544
EQUIPMENT	22,464	29,724	7,431	9,062	(1,631)
OTHER EXP	124	2,600	650	6	644
	1,619,773	1,816,343	507,633	421,533	86,100

ADMINISTRATIVE SERVICES DIVISION

EXPENSE CATEGORY	Actual FY95	Budget FY96	YTD Budget 10/31/95	YTD Actual 10/31/95	Under (Over)
PERS SERV	3,727,699	3,729,059	1,118,718	1,089,132	29,586
PERS TRV IN	32,873	42,850	10,713	12,307	(1,595)
STATE VEHICL	47,570	55,000	18,150	18,889	(739)
DEPRECIATION	68,730	75,500	24,915	23,160	1,755
PERS TRV OUT	7,148	8,500	2,125	4,245	(2,120)
OFF SUPPLY	339,910	355,500	88,875	92,626	(3,751)
FAC MAINT SU	2,020	16,000	4,000	67	3,933
EQUIP MAINT	46,662	53,000	13,250	8,475	4,775
OTHER SUPPLY	18,066	14,000	3,500	5,288	(1,788)
PRINT & BIND	25,145	23,000	5,750	4,593	1,157
UNIFORMS	6,031	2,500	625	669	(44)
COMMUNICATIO	101,812	108,100	27,025	25,306	1,719
RENTALS	184	500	125	263	(138)
UTILITIES	282	0	0	0	0
PROF SERV	52,024	70,000	17,500	22053	(4,553)
OUTSIDE SERV	34,280	79,650	19,913	13,473	6,440
ADVER PUB	934	500	125	328	(203)
DATA PROC	44,611	91,000	22,750	48,988	(26,238)
AUDITOR REIM	169,503	175,000	43,750	0	43,750
REIMBURSMENT	182,696	118,650	29,663	51,111	(21,449)
EQUIPMENT	199,462	169,500	42,375	57,344	(14,969)
OTHER EXP	8,484	8,658	2,165	0	2,165
LICENSES	0	50	13	0	13
	5,116,126	5,196,517	1,496,022	1,478,317	17,705

PARKS, PRESERVES AND RECREATION DIVISION

EXPENSE CATEGORY	Actual FY95	Budget FY96	YTD Budget 10/31/95	YTD Actual 10/31/95	Under (Over)
PERS SERV	5,004,243	4,555,104	1,366,531	1,367,140	(609)
SEASONAL HELP	1,509,834	1,298,094	791,837	758,069	33,768
PERS TRV IN	72,955	58,550	14,638	16,442	(1,805)
STATE VEHICL	213,209	200,460	66,152	77,791	(11,639)
DEPRECIATION	292,147	304,150	100,370	85,070	15,300
PERS TRV OUT	4,357	7,585	1,896	3,070	(1,174)
OFF SUPPLY	55,853	37,200	9,300	10,276	(976)
FAC MAINT SU	517,700	570,409	228,164	179,269	48,895
EQUIP MAINT	363,110	312,298	124,919	139,019	(14,100)
AG CONS SUPP	55,354	34,035	13,614	3,946	9,668
OTHER SUPPLY	37,550	43,600	10,900	6,441	4,459
PRINT & BIND	28,417	28,000	7,000	5,494	1,506
UNIFORMS	37,322	34,077	8,519	12,457	(3,938)
COMMUNICATIO	97,981	105,250	26,313	25,620	693
RENTALS	42,930	38,050	15,220	17,311	(2,091)
UTILITIES	440,884	423,200	169,280	146,230	23,050
PROF SERV	52,839	105,165	26,291	2,392	23,899
OUTSIDE SERV	219,918	203,852	81,541	88,469	(6,928)
ADVER PUB	2,904	1,050	263	339	(77)
DATA PROC	2,846	5,000	1,250	334	916
REIMBURSMENT	8,012	7,375	1,844	241	1,603
EQUIPMENT	239,227	216,100	54,025	60,185	(6,160)
OTHER EXP	52	2,700	675	-9	684
LICENSES	204	697	174	260	(86)
	9,299,848	8,592,001	3,120,715	3,005,856	114,859

FORESTS AND FORESTRY DIVISION

EXPENSE CATEGORY	Actual FY95	Budget FY96	YTD Budget 10/31/95	YTD Actual 10/31/95	Under (Over)
PERS SERV	1,801,319	1,804,191	541,257	541,107	150
SEASONAL HELP	81,704	122,976	75,015	27,902	47,113
PERS TRV IN	40,119	42,800	10,700	14,322	(3,622)
STATE VEHICL	66,145	86,500	28,545	26,271	2,274
DEPRECIATION	133,805	138,500	45,705	40,420	5,285
PERS TRV OUT	8,189	8,800	2,200	1,806	394
OFF SUPPLY	27,792	25,870	6,468	3,789	2,679
FAC MAINT SU	49,992	33,500	8,375	10,465	(2,090)
EQUIP MAINT	57,760	49,000	12,250	17,270	(5,020)
AG CONS SUPP	125,118	113,000	28,250	8,169	20,081
OTHER SUPPLY	12,826	19,900	4,975	2,994	1,981
PRINT & BIND	3,419	26,200	6,550	1,710	4,840
UNIFORMS	13,640	14,300	3,575	1,440	2,135
COMMUNICATIO	39,189	39,669	9,917	11,025	(1,108)
RENTALS	39,257	38,000	9,500	5,792	3,708
UTILITIES	30,741	36,800	9,200	4,602	4,598
PROF SERV	19,546	8,820	2,205	233	1,972
OUTSIDE SERV	57,912	60,820	15,205	8,719	6,486
ADVER PUB	176	2,000	500	46	454
DATA PROC	666	2,000	500	195	305
REIMBURSEMENT	2,580	550	138	179	(42)
EQUIPMENT	140,782	71,861	17,965	18,475	(510)
	2,752,677	2,746,057	838,995	746,931	92,064

ENERGY & GEOLOGICAL RESOURCES DIVISION

EXPENSE CATEGORY	Actual FY95	Budget FY96	YTD Budget 10/31/95	YTD Actual 10/31/95	Under (Over)
PERS SERV	2,340,475	2,445,164	733,549	710,923	22,626
PERS TRV IN	18,491	51,756	12,939	2,581	10,358
STATE VEHICL	10,970	14,000	4,620	4,087	533
DEPRECIATION	18,515	20,000	6,600	3,815	2,785
PERS TRV OUT	47,982	68,787	17,197	11,673	5,524
OFF SUPPLY	29,069	36,105	9,026	13,774	(4,748)
FAC MAINT SU	428	2,200	550	58	492
EQUIP MAINT	2,810	6,550	1,638	128	1,510
PROF SUPPLY	1,048	3,280	820	186	634
OTHER SUPPLY	29,162	61,561	15,390	2,563	12,827
PRINT & BIND	33,907	48,300	12,075	2,074	10,001
UNIFORMS	402	1,000	250	138	112
COMMUNICATIO	39,280	46,428	11,607	9,638	1,969
RENTALS	2,764	3,100	775	1,087	(312)
UTILITIES	18,227	16,400	4,100	3,921	179
PROF SERV	955,814	1,955,824	488,956	127,453	361,503
OUTSIDE SERV	57,518	134,270	33,568	24,565	9,003
ADVER PUB	624	1,000	250	260	(10)
DATA PROC	4,492	19,530	4,883	862	4,021
REIMBURSEMENT	8,164	6,635	1,659	179	1,480
EQUIPMENT	136,163	158,381	39,595	8,399	31,196
OTHER EXP	5,408	4,742	1,186	0	1,186
	3,761,713	5,105,013	1,401,231	928,364	472,867

ENVIRONMENTAL PROTECTION DIVISION

EXPENSE CATEGORY	Actual FY95	Budget FY96	YTD Budget 10/31/95	YTD Actual 10/31/95	Under (Over)
PERS SERV	8,177,148	9,556,812	2,867,044	2,572,360	294,684
PERS TRV IN	55,513	130,807	32,702	14,820	17,882
STATE VEHICL	42,519	52,500	17,325	14,182	3,143
DEPRECIATION	56,720	76,500	25,245	18,670	6,575
PERS TRV OUT	72,774	193,332	48,333	19,241	29,092
OFF SUPPLY	98,251	127,557	31,889	29,471	2,418
FAC MAINT SU	3,133	4,300	1,075	1,397	(322)
EQUIP MAINT	16,909	19,750	4,938	3,060	1,878
PROF SUPPLY	0	1,250	313	0	313
OTHER SUPPLY	22,997	46,567	11,642	3,665	7,977
PRINT & BIND	74,754	109,600	27,400	13,235	14,165
UNIFORMS	4,773	7,600	1,900	458	1,442
COMMUNICATIO	177,611	177,850	44,463	38,087	6,376
RENTALS	87,694	119,500	29,875	31,861	(1,986)
UTILITIES	18,207	24,811	6,203	5,427	776
PROF SERV	2,667,560	6,716,468	1,679,117	268,806	1,410,311
OUTSIDE SERV	87,877	91,446	22,862	16,384	6,478
ADVER PUB	6,314	12,900	3,225	3,624	(399)
DATA PROC	189,747	217,106	54,277	32,969	21,308
REIMBURSEMENT	62,713	67,600	16,900	1,230	15,670
EQUIPMENT	956,082	1,746,333	436,583	106,587	329,996
OTHER EXP	15,213	12,720	3,180	0	3,180
	12,894,509	19,513,309	5,366,488	3,195,534	2,170,954

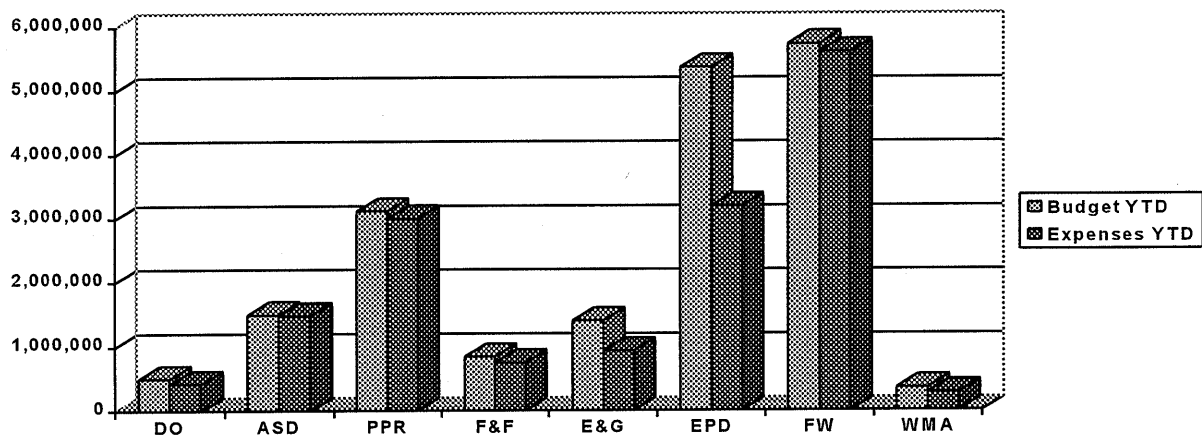
FISH AND WILDLIFE DIVISION

EXPENSE CATEGORY	Actual FY95	Budget FY96	YTD Budget 10/31/95	YTD Actual 10/31/95	Under (Over)
PERS SERV	12,485,277	12,227,973	3,668,392	3,669,428	(1,036)
SEASONAL HELP	785,126	802,414	489,473	343,570	145,903
PERS TRV IN	371,415	355,522	88,881	96,857	(7,977)
STATE VEHICL	540,298	506,700	167,211	167,621	(410)
DEPRECIATION	680,640	753,316	248,594	227,810	20,784
PERS TRV OUT	33,831	48,400	12,100	11,532	568
OFF SUPPLY	276,247	303,868	75,967	55,055	20,912
FAC MAINT SU	377,293	458,687	114,672	89,292	25,380
EQUIP MAINT	451,909	350,636	87,659	176,857	(89,198)
PROF SUPPLY	0	10,000	2,500	0	2,500
AG CONS SUPP	340,020	366,258	91,565	122,322	(30,758)
OTHER SUPPLY	171,384	103,577	25,894	78,951	(53,057)
PRINT & BIND	218,479	283,625	70,906	76,168	(5,262)
UNIFORMS	161,845	132,575	33,144	26,634	6,510
COMMUNICATIO	293,531	204,100	51,025	75,149	(24,124)
RENTALS	57,169	65,035	16,259	16,543	(284)
UTILITIES	206,398	242,216	60,554	51,908	8,646
PROF SERV	343,892	392,780	98,195	118,760	(20,565)
OUTSIDE SERV	185,806	170,362	42,591	27,426	15,165
ADVER PUB	1,883	2,600	650	61	589
DATA PROC	74,037	64,000	16,000	20,171	(4,171)
REIMBURSEMENT	72,133	68,450	17,113	0	17,113
EQUIPMENT	1,219,428	951,034	237,759	148,365	89,394
OTHER EXP	44,003	34,353	8,588	1,022	7,566
LICENSES	1,053	300	75	0	75
	19,393,097	18,898,781	5,725,764	5,601,502	124,262

WASTE MANAGEMENT ASSISTANCE DIVISION

EXPENSE CATEGORY	Actual FY95	Budget FY96	YTD Budget 10/31/95	YTD Actual 10/31/95	Under (Over)
PERS SERV	766,664	782,200	234,660	221,253	13,407
PERS TRV IN	29,522	47,214	11,804	5,095	6,709
PERS TRV OUT	23,060	39,165	9,791	4,841	4,950
OFF SUPPLY	9,635	32,030	8,008	2,737	5,271
EQUIP MAINT	634	1,900	475	692	(217)
OTHER SUPPLY	24,011	45,445	11,361	5,439	5,922
PRINT & BIND	30,863	61,258	15,315	8,899	6,416
UNIFORMS	0	0	0	28	(28)
COMMUNICATIO	14,932	16,000	4,000	3,865	135
RENTALS	691	800	200	221	(21)
PROF SERV	75,578	123,897	30,974	300	30,674
OUTSIDE SERV	7,480	9,886	2,472	1,637	835
ADVER PUB	613	13,500	3,375	640	2,735
DATA PROC	4,157	4,750	1,188	417	771
REIMBURSEMENT	25,209	15,110	3,778	85	3,693
EQUIPMENT	14,702	63,400	15,850	23960	(8,110)
OTHER EXP	5,796	6,650	1,663	0	1,663
	1,033,547	1,263,205	354,911	280,109	74,802

DIVISION LEVEL 10/31/95 EXPENDITURE STATUS



Mr. Kuhn reviewed the financial reports and noted that the department's formal budget hearing with the Governor is scheduled for December 6.

INFORMATIONAL ONLY

IOWA BUSINESS LOAN PROGRAM FOR WASTE REDUCTION AND RECYCLING CONTRACT

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

The Iowa Business Loan Program for Waste Reduction and Recycling was created to assist Iowa Businesses reduce the amount of solid waste they generate, including the toxicity of that solid waste, and increase the use of recycled materials in the manufacturing of products.

The Department distributed Requests For Proposals earlier this fall to award remaining funds and received two applications. Applications were reviewed by two staff members of the Department and one staff member from the Department of Economic Development. This program was originally capitalized with \$730,989. One project was selected for funding through an earlier Request For Proposals leaving \$363,130 available to award at this time. A discussion of each application follows:

Fawn Engineering Corporation	Contact:	Daniel Jacobi
8040 University Blvd.	Phone:	515-274-3641
P.O. Box 1333	Request:	\$475,000
Des Moines, Iowa 50305	County	Polk

The applicant, one of the largest manufacturers of glass front beverage and snack vending machines in the US, is proposing to undertake a \$2.5 million project to reduce the generation of toxic solid waste and upgrade their manufacturing process by replacing the existing wet paint system with a powder coat finishing system. Currently paint filter waste amounts to 25 tons annually and is landfilled under a special waste authorization. Implementing the project will result in an approximate 98% decrease in paint filter waste and an accompanying decrease in solid waste toxicity. Other environmental benefits of the project include reduced VOC emissions, reduced energy consumption and reduced hazardous waste generation. The current paint system limits the placement of vending machines to locations protected from outdoor elements. With the project, vending machines can be placed outdoors and thus allow the applicant to enter new markets. The applicant is requesting loan assistance for equipment purchase and installation.

The applicant's request of \$475,000 included a \$96,300 request for a wastewater pre-treatment system. This project cost is not eligible for financial assistance under this program. Of the \$378,700 request for eligible costs, the Department recommends awarding \$363,130, the full amount available.

The applicant has not received previous financial assistance through the Iowa Business Loan Program or the Landfill Alternatives Financial Assistance Program.

Georgia Pacific	Contact:	Jean Wassenberg
RR 4	Phone:	515-573-2176
P.O. Box 758	Request:	\$204,423
Fort Dodge, Iowa 50501	County	Webster

The proposed project involves implementing a permanent waste wallboard recycling system. The applicant currently recycles a small portion of off-spec wallboard by contracting for grinding services prior to reintroducing the material into the manufacturing process. With the present system, recycling can not take place if the material is frozen or wet. The proposed project will allow the applicant to recycle approximately 70,000 tons annually by increasing year round recovery of off-spec wallboard and reclaim wallboard currently stockpiled on-site. No waste wallboard is currently landfilled. Loan assistance was requested for the purchase and installation of equipment and building construction.

The application did not provide required documentation or the level of detail necessary to award funds at this time. The applicant is eligible and will be encouraged to participate in the Landfill Alternatives Financial Assistance Program by submitting a correctly completed application by the appropriate deadline.

A seven year term of loan to repay awarded funds is proposed. This term of loan is consistent with the project previously awarded funding through this program and with the term of loans for Landfill Alternatives Financial Assistance Program projects. The Department recommends the approval of the seven year term of loan for Fawn Engineering Corporation.

At this time, the contract and the seven year term of loan for Fawn Engineering Corporation is presented to the Commission for approval.

(A copy of the contract is on file in the department's Records Center)

Ms. Hay reviewed the amount of money remaining in the Tonnage Fees account and discussed details of the contract being presented. The project will replace an existing wet paint system with a powder coat finishing system, which will reduce the generation of toxic solid waste.

Brief discussion followed regarding the funds for this program. Ms. Hay noted that there will be no further funds available in this program until loan payments begin to come in.

Appointment - Dan Jacobi

Dan Jacobi, Fawn Engineering Company, addressed the Commission providing background information about the project. Additionally, he asked the Commission to consider an additional three years on the term of the loan. He expanded on the equipment purchases to be made with the loan money.

Charlotte Mohr asked if masks or other precautions are required when using the powder coat finishing system.

Mr. Jacobi responded that only paper masks are required because it is a sealed system and involves circulating dry powder that attaches to the metal, which is then heated and baked to a hard finish.

Ms. Hay stated that at the time the agenda item was prepared a seven year term of payment was proposed because it is consistent with loan terms for the LAFA program. She noted that a ten year term of repayment would be justified because the equipment will most likely last a sufficient length of time.

Discussion followed regarding the RFP process and the number of respondents.

Motion was made by William Ehm to approve the Iowa Business Loan Program Contract for Fawn Engineering with an extension of loan term to ten years. Seconded by Verlon Britt. Motion carried with Commissioner Townsend abstaining.

APPROVED WITH TEN YEAR LOAN TERM

LANDFILL ALTERNATIVES FINANCIAL ASSISTANCE PROGRAM - OVERVIEW

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

OVERVIEW

The intent of the Landfill Alternatives Financial Assistance Program is to reduce the amount of solid waste generated and the amount of solid waste landfilled in Iowa. The mechanism to accomplish this is through providing financial assistance for the following solid waste management projects: public education, waste reduction at the source, recycling, reuse, research and development, demonstration, market development, combustion with energy recovery and combustion without energy recovery. Funding for this program comes from a portion of the solid waste tonnage fees as established by the Groundwater Protection Act of 1987.

The Landfill Alternatives Financial Assistance Program was developed in response to the evolution of waste reduction, recycling and other landfill diversion activities taking place across the state. In the spring of 1994, the Department of Natural Resources established an advisory committee with members representing the Environmental Protection Commission, counties, municipalities, business and industry, regional councils, and solid waste associations. The objective of this advisory committee was to offer input on how the former Landfill Alternatives Grant Program could best reflect current and future solid waste management issues and market development for recycled materials through landfill alternatives projects. The resulting Landfill Alternatives Financial Assistance Program was implemented beginning in December 1994 and replaced the Landfill Alternatives Grant Program.

FINANCIAL ASSISTANCE TYPES

There are two types of financial assistance awards available under this program, grants and zero interest loans. The type of award offered to an applicant recommended for funding is dependent upon the type of project being proposed.

Grants are offered to applicants for public education projects, waste reduction projects, research and development projects, and demonstration projects that are innovative or new to the State of Iowa.

Zero interest loans are offered to applicants for all other eligible projects. The term of loan is negotiated on a case by case basis and is based on the specific capital costs financed as well as terms of other financing provided for the project. Guidelines the Department has used in negotiating the term of loan is five to seven years for equipment purchases and up to ten years on building construction. These term of loan guidelines are consistent with Iowa lending institutions, Department of Economic Development financial assistance programs, and guidelines of the Small Business Administration.

In some cases, a combination grant and zero interest loan award is offered to the applicant. This combination award arises when only a portion of the project's costs are determined to be grant eligible but the project could not be implemented by funding only grant eligible items. An example would be construction of a building that would house a waste reduction project. Building construction could be offered a zero interest loan and the equipment necessary to achieve a reduction in the amount of solid waste generated could be offered grant assistance.

ELIGIBLE APPLICANT and FINANCIAL ASSISTANCE DENIAL

To be eligible to receive financial assistance through this program, the applicant must be one of the following: any unit of local government, public or private group, business or individual with an interest in or having responsibility for solid waste management in Iowa. The applicant must also be in compliance with all applicable Department statutes and regulations.

An applicant may be denied financial assistance for any of the following reasons:

- funds are not sufficient to award financial assistance to all qualified applicants;
- the area in which the proposed project is located or implemented does not have an approved solid waste comprehensive plan or has not submitted a subsequent solid waste comprehensive plan by the assigned deadline or does not have a legally permitted landfill;
- an applicant does not meet eligibility requirements or does not provide sufficient information requested in the application forms;
- an applicant that has previously received a loan through this program is determined to be delinquent in repaying the loan; and
- project goals or scope is not consistent with those of this program.

APPLICATION REVIEW AND SELECTION PROCESS

Two funding periods are held each year with application deadlines the first Monday in June and the first Monday in December. Application review is conducted by a three person committee comprised of staff from the Department representing the Waste Management Assistance Division and the Environmental Protection Division. First, review team members

individually review applications before meeting as a group to discuss each application and develop a list of recommended projects. Second, the review team coordinator meets with the WMAD Administrator to finalize recommendations for projects. The Environmental Protection Commission is then presented with the list of selected projects and contracts are drafted. Contracts for awards in excess of \$25,000 are presented to the Environmental Protection Commission for approval. Upon receiving Environmental Protection Commission approval, contract negotiations may begin and the Department holds a contract meeting with the applicant.

EVALUATION CRITERIA

The application and guideline booklet contains four separate application forms which correspond to the types of projects eligible for financial assistance (public education, waste reduction, research and development/ demonstration and loan eligible projects). Each application/project type has evaluation criteria unique to that project type. A detailed description of the evaluation criteria for each application/project type can be found in the attachment. However, in general, applications are reviewed based on the following criteria:

- Project Planning, Experience, and Commitment;
- Project Compatibility and Support;
- Project Effectiveness;
- Project Impact;
- Project Evaluation;
- Technical and Economic Feasibility and Transferability; and
- Ability to Repay (loan projects only)

Attached is a copy of the Landfill Alternatives Financial Assistance Program, Application and Guideline Booklet for your information. This booklet includes the administrative rules and provides a history of the program, discusses application requirements, application review procedures, provides application forms, and discusses each of the evaluation criteria in more detail.

Since 1988, 166 grants, nine zero interest loans and two combination grant/zero interest loans have been awarded for a total of \$21,591,570 in financial assistance.

Ms. Hay stated that the booklet entitled Landfill Alternatives Financial Assistance Program Application and Guidelines which was attached to the agenda item provides detailed information on the program. She noted that 166 grants, 9 no-interest loans, and 2 combination grant/no-interest loans have been awarded since 1988 when the program was put in place.

Discussion followed regarding whether more detailed information is needed by the Commission at the time the projects are presented. The consensus was that it is not necessary to provide additional information since the grant and loan applications are readily available if needed.

Gary Priebe stated that he would like to know how many of these projects have been successful, how many have gone out of business, and what happened with the money and equipment when there has been a failure.

INFORMATIONAL ONLY

PUBLIC PARTICIPATION

Chairperson King announced public participation at 10:30 a.m.

Michael Garvin (medical waste incinerators)

Michael Garvin, Safety Engineer with University of Iowa Hospitals and Clinics, stated that he has been a researcher on medical waste processing technology and state regulations concerning infectious waste, and is an author/lecturer on the topic. He related that he is present to represent a company named Tampico and he is against incineration but in favor of non-burn technology. Mr. Garvin stated that the proposed rules are acceptable and encouraged the Commission to approve them to allow fair competition in the state. He added that he does not want to see incinerators in the state, but as well, he does not want to see a moratorium continue as it forces hospitals to go to commercial facilities. The hospitals then have to pay 10-20% more for shipping the wastes out. He related that he supports performance-based criteria under the air quality standards to allow incinerators to be compared with other technologies.

Barb Pauls (medical waste incinerators)

Barb Pauls, Eldon, addressed the Commission stating that there is very little change in the rules from the draft. She added that she feels the rules are not adequate to protect anyone in the state and could open up the state for mass importation of these wastes from other states and countries. She asked that the rules be sent back to the staff to do them right rather than doing the minimum. She discussed a public comment made in regard to red bag waste and noted that the rules do not protect the public.

Bill Uffelman (medical waste incineration)

Bill Uffelman, BFI Industries, stated that the rules are improved from the original draft. However, he asked for further clarification of the following sections:

112.4(1) Permits Required - those facilities doing on-site treatment are not required to have permits. The presumption is that a hospital or consortium of hospitals treating at a location but transporting waste in from somewhere else would, in fact, need to have a commercial treatment permit.

112.4(1)c - Location Restrictions - want to know whether exempted facilities (doctor's offices, clinics, etc.) applies to them being in the commercial mode, if in fact, the commercial mode applies in the first instance raised. Or is it is for on-site treatment such as the doctor's office that happens to be located across the street from a church and the doctor could have it autoclaved. Presuming that the technologies referred to in 112.4(1)a are all closed system technologies, it is not clear how microwave technology would work without venting air emissions.

112.4(2) Transportation Licenses - appears to be licensing only transporters who are, in effect, closing the loop in Iowa. If an out-of-state transporter comes in, then the out-of-state licenses cover that transporter. That is how BFI is currently licensed and they have no difficulty with that. BFI would have no difficulty with obtaining an Iowa license if the cost is reasonable.

112.3(1) Storage - this section applies only to storage at the site of generation. The presumption is that the consolidation of temporary storage en route to a disposal facility, after it's picked up by a licensed hauler, is not covered by this section and that needs to be clarified. Infectious waste stored at the generating facility must be in a closed container but there is no reference to storage other than at the point of generation. Presumption is that it is not storage if it is not at the point of generation.

Mr. Uffelman asked that these areas of the rules be clarified.

Steve Rector, M.D. (medical waste incinerators)

Steve Rector, Ottumwa Business Health Center, stated that there is a serious problem with medical waste incineration which DNR has failed to take seriously. He read an excerpt from a letter Larry Wilson wrote to Senator Vilsack on this issue. He noted that a recent 4-year review of dioxins by EPA shows that dioxins are much far more ubiquitous and more dangerous than anyone had anticipated. He stressed that evidence shows that wastes which have been reduced to ash are absolutely dangerous to the landfill and the environment. He added that the DNR has nothing in the rules to set standards for emissions coming from commercial waste incinerators. Dr. Rector stated that in regard to 455B.151, DNR should not issue any permits for new commercial medical waste incinerators until rules are issued by the EPA. He related that even the proposed rules by EPA are inadequate because they allow fly ash to be mixed with bottom ash which can be landfilled and can pollute the water, including the deep water aquifers. Dr. Rector stated that medical waste incineration must not be allowed to be institutionalized in the state.

Ed Malloy (medical waste incineration)

Ed Malloy, Fairfield City Councilman, stated that the City of Fairfield and Jefferson County are watching the rules closely because of a proposed medical waste facility in Eldon. He noted that the rules tend to downplay the hazards of incineration. He discussed some of the public comments in regard to the size of a disposal facility and asked why the rules do not include a basis for limiting the size of a disposal facility. He stated that by state law we do not measure for toxicity, only for particulates, and that does not make good sense. He discussed a comment suggesting that monitoring be done on the hazards of dioxins and its effect on plant life and soil, and asked why it cannot be done now. Mr. Malloy asked the Commission to take the rules beyond their present form and use their best judgment in protecting the people of Iowa.

Roger Badgett (medical waste incineration)

Roger Badgett, Fairfield, stated that he is involved in a building project for a large health spa north of Fairfield, which employs many people. He related that if people are coming there for help and find out there are a lot of toxins being emitted into the air, it could result in his going out of business. The risk/reward ratio in terms of jobs does not make good economical sense. Mr. Badgett added that there is a long list of things the government has said were okay and now they are not safe, and the medical waste incinerators might happen to be one of the things that is not safe. He related that an alternative process could be used for medical waste disposal.

Linda Martendale (hog confinement rules)

Linda Martendale, Merrill, spoke about the hog industry and earthen basins noting that there are 160 elements emitted into the air from these units. She suggested that monitoring be done at all earthen basin sites. She related that the industry needs to do something about the gases, dust, and bacteria that come from these confinements. Ms. Martendale stated that standards need to be established for water and air quality and expanded on what should be done to protect the water. She discussed a letter in regard to a permit for Paul VanDorp and noted it is an example why strict regulation and enforcement is needed. She asked why the rules are being ignored and everyone given a permit regardless. She stated that the stability of family farms is at stake in this issue.

Keith Young (LLRAWC legislation)

Keith Young, IES Utilities, stated that he would like to express support for the amendments to the Midwest Compact and added that the amendments offer a solution to low level radioactive waste disposal. He noted that the alternative would be for Iowa to go it alone, and IES does not think it would make good sense to do that. He stated that their only concerns are that the costs should be shared by all generators of low level waste, and that the total cost of the facility should be monitored very closely.

John Fagan (medical waste incineration)

John Fagan, Fairfield, stated that he is a biochemist and for the last 15 years has been studying dioxins and how they influence gene regulation and the functioning of the physiology on many levels. He related that these compounds influence the immune system in many ways as well as the reproductive capacity in very serious ways. He added that the incineration process actually creates dioxins from wastes that are innocuous beforehand. Mr. Fagan proposed that the Commission send the rules back to the DNR and allow other technologies to be used at this point, and to do everything possible to avoid incineration. He related that any technology that can sterilize these materials will be fine. He compared the volume of the infectious waste rules for New York with those for Iowa and related that it reflects that the DNR has not really appreciated the weight of the problem. Mr. Fagan expressed fear that if New York and other

states are establishing very stringent rules and Iowa has very weak rules, incinerator/waste companies will come to Iowa.

Steve Siegel (medical waste incineration)

Steve Siegel, President of Iowa Citizen Action Network (ICAN), stated that ICAN realizes there is a need for medical waste rules and the legislature directed the DNR to develop them, but these rules are inadequate. He added that the rules are more like guidelines than rules and really do not offer much protection. He related that incineration is an outdated concept for burning plastics and there are viable alternatives, such as the Iowa Waste Reduction Center in Cedar Rapids. He urged the Commission to keep the public's comments in mind when voting on these rules.

MONTHLY REPORTS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report
5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

IOWA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
RULEMAKING STATUS REPORT
November 1, 1995

PROPOSAL	NOTICE TO COMMISSION	NOTICE PUBLISHED	RULES REVIEW COMMITTEE	HEARING	FINAL SUMMARY TO COMMISSION	RULES ADOPTED	RULES PUBLISHED	RULES REVIEW COMMITTEE	RULE EFFECTIVE
1. Ch. 20, 22, 23, and 29 - AQ Rules Update & Waiver of Title V Applicability for Small Sources - MACT	*12/18/95	*1/17/96	*2/12/96	*2/ /96	*3/18/96	*3/18/96	*4/17/96	*5/13/96	*5/22/96
2. Ch. 22 - Background Values for PM-10 AMENDED NOTICE	6/19/95 6/19/95	7/19/95 8/16/95	8/14/95 9/05/95	10/18/95	NOTICE *12/18/95	AMENDED *12/18/95	*1/17/96	*2/12/96	*2/21/96
3. Ch. 22 - New Source Review - Non-Attainment Areas	10/16/95	11/08/95 E M E R G E N C Y	*12/12/95	*12/ /95	*1/16/96 10/16/95	*1/16/96 10/16/95	*2/07/96 11/08/95	*3/11/96 *12/12/95	*3/18/96 10/20/95
4. Ch. 22 - AQ Construction Permit Exemptions	10/16/95	11/08/95	*12/12/95	*12/ /95	*1/16/96	*1/16/96	*2/07/96	*3/11/96	*3/18/96
5. Ch. 22 - Air Quality Budget Rules	10/16/95	*11/08/95	*12/12/95	*12/ /95	*1/16/96	*1/16/96	*2/07/96	*3/11/96	*3/18/96
6. Ch. 40, 43 - Water Supply Permit Fees	9/19/94	10/12/94	11/07/95	11/01/94 11/02/94 11/03/94 11/04/94	1/17/95	1/17/95	2/15/95	3/14/95	Delayed
7. Ch. 40, 43 - Water Supply Permit Fees	8/21/95	9/13/95	10/11/95	10/03/95 10/04/95 10/05/95 10/06/95	NOTICE OF TERMINATION 11/20/95	*11/20/95	*12/20/95	*1/17/96	*1/24/96
8. Ch. 47 - Grants to Counties	7/17/95	8/16/95	9/13/95	9/07/95	11/20/95	*11/20/95	*12/20/95	*1/17/96	*1/24/96
9. Ch. 61 - AQ Standards - Nationwide Permits	11/20/95	*12/20/95	*1/17/96	*1/ /96	*2/19/96	*2/19/96	*2/23/96	*3/10/96	*3/15/96
10. Ch. 65 - Animal Feeding Operations	10/16/95	11/08/95	*12/12/95	*12/4-5/95 *12/7/95 *12/12/95 *12/14/95	*1/16/96	*1/16/96	*2/07/96	*3/11/96	*3/18/96
11. Ch. 83 - Laboratory Certification	10/16/95	11/08/95	*12/12/95	*12/14/95	*1/16/96	*1/16/96	*2/07/96	*3/11/96	*3/18/96
12. Ch. 101 - General Requirements Relating to SW Management and Disposal * Projected	7/17/95	8/16/95	9/12/95	9/12/95	10/16/95	10/16/95	*11/08/95	*12/12/95	*12/13/95
13. Ch. 112- Infectious Waste	3/20/95	4/12/95	5/08/95	5/23/95	11/20/95	*11/20/95	*12/20/95	*1/17/96	*1/24/96
14. Ch. 133, 135 - Underground Storage Tank - Risk Based Corrective Action Stds.	10/16/95	11/08/95	*12/12/95	*12/01/95 *12/04/95 *12/06/95 *12/08/95 *12/11/95 *12/13/95	*1/16/96	*1/16/96	*2/07/96	*3/11/96	*3/18/96
15. Ch. 135 - Underground Storage Tanks	7/17/95	8/16/95	9/12/95	9/04/95	11/20/95	*11/20/95	*12/20/95	*1/17/95	*1/24/96

Monthly Variance Report						
October 1995						
Item No.	Facility	Program	Engineer	Subject	Decision	Date
1	Cargill, Inc. - Hardin County	Air Quality	Thompson Environ. Consulting	Permit Requirements	Approved	10/13/95
2	La Porte City, City of, Fire Department	Air Quality	Black Hawk County Engineer	Structures	Approved	10/11/95
3	Iowa Falls, City of	Wastewater Construction	Fox Engineering	Reliability	Denied	10/02/95
4	Mount Ayr, City of	Wastewater Construction	Howard R. Green Co.	Manhole Material	Approved	10/25/95
5	Persia - (Shelby County Rural Water District No. 1)	Wastewater Construction	HWS Engineering	Pond Influent Piping	Approved	10/16/95
6	Swaledale, City of	Wastewater Construction	Yaggy Colby Associates	Testing	Approved	10/06/95
7	Rodman Bridge - Palo Alto County	Flood Plain	Palo Alto County Engineer	Freeboard	Approved	10/25/95
8	Central Iowa Power Co. -CCR Landfill-Muscatine County	Solid Waste	Montgomery Watson Consulting Engineers	Gas Control	Approved	10/06/95
9	Armstrong, City of	Watersupply Construction	Kuehl & Payer, Ltd.	Construction Materials	Approved	10/23/95
10	Harlan Municipal Utilities	Watersupply Construction	Stanley Consultants, Inc.	Installation Procedures	Approved	10/02/95
11	West Des Moines Water Works	Watersupply Construction	Veenstra & Kimm, Inc.	Design Basis	Approved	10/16/95

Report of Hazardous Conditions

During the period October 1, 1995, through October 31, 1995, 64 reports of hazardous conditions were forwarded to the central office. Two incidents are highlighted below. A general summary and count by field office is attached. This does not include releases from underground storage tanks, which are reported separately.

Date Reported and County	Material, Amount, Cause, Location & Impact	Responsible Party	Response
10/12/95 Osceola	Seventy-five gallons of diesel fuel spilled on a highway and shoulder after a multiple vehicle collision, near Harris. No surface waters were impacted.	Quasar Express PO Box 40 Sioux Falls, SD 57101	The local fire department and DOT responded. Absorbents were applied to the spilled material and contaminated soil was excavated from the road shoulder and properly disposed.
10/30/95 Story	A farmer turned too sharply and broke the axle on a nurse tank. 3750 pounds of anhydrous ammonia leaked out of the tank near Colo. No evacuations were necessary.	Al Webholm RR 1 Colo, IA	The Colo FD and a local coop responded. A water fog was applied to the plume to prevent it from drifting toward a highway. The runoff water was confined to the field.

Month	Substance						Mode					
	Total Incidents	Petroleum Product	Agri - Chemical	Other Chemicals and Substances	Handling and Storage	Pipeline	Highway Incident	RR Incident	Fire	Other		
October	64(31)	37(38)	9(3)	18(10)	21(32)	0(0)	35(16)	1(0)	1(0)	4(2)		
November												
December												
January												
February												
March												
April												
May												
June												
July												
August												
September												

(numbers in parentheses for the same period in fiscal year '94)

Total Number of Incidents Per Field Office This Period:

11	2	3	4	5	6
1	8	9	3	23	10

Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Jack Pinney Operations, Inc. aka Jack Pinney Grading, Sioux City (3)	Air Quality	Fugitive Dust	Order/Penalty \$4,000	9/29/95
Larson Cont., Inc., Winnebago Co. (2)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty \$1,000	10/09/95
Enviro Safe Air, Inc., Sioux City (3)	Air Quality	Asbestos	Order/Penalty \$10,000	10/09/95
Farmers Cooperative Company, Dows (2)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty \$1,000	10/13/95
Paul J. Klocke, Mary Kay Klocke, Carroll (4)	Flood Plain	Unauthorized Construction	Referred to AG	10/16/95
Harold D. Lee, Evelyn J. Lee, Keokuk Co. (6)	Wastewater	Prohibited Discharge	Referred to AG	10/16/95
Orrie's Supper Club, Inc., Hudson (1)	Drinking Water	Monitoring/Reporting- Lead, Copper, Public Notice	Referred to AG	10/16/95
Plantation Village MHP, Burlington (6)	Wastewater	Monitoring/Reporting	Referred to AG	10/16/95

Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Marvin Kruse d/b/a K & C Feeds (Luana)	UT	300	12-01-92
Don Grell d/b/a Dodger Enterprise (Ft. Dodge)	AQ	10,000	2-16-93
Duane Pospisil d/b/a Duane's Service (Lisbon)	UT	1,000	5-04-93
Franklin Raymond (Pacific Junction)	UT	300	7-07-93
*Delano's Lounge (Washington)	WS	425	9-01-93
Melvin Foubert d/b/a Mel's Repair Service (What Cheer)	UT	400	12-13-93
Stan Simmer d/b/a Tire City (Des Moines)	UT	600	12-21-93
*63-80 Cafe (Moore Oil Co.) (Malcom)	WS	200	1-20-93
William Hatch d/b/a R & R Convenience Store (Central City)	UT	2,480	2-28-93
Kurt & Mary Marzofka; John & Shirley Riordan (Sabula)	UT	500	3-31-94
Ida Grove Farm Supply Co. d/b/a Double Circle Farm Supply Co. (Galva)	UT	2,300	5-15-94
Leland Koster and Jim Koster (Alexander)	UT	350	6-11-94
*Home Asbestos & Lead Abatement Services (Johnston)	AQ	350	7-02-94
King Transfer, Ltd.; George B. King (Onawa)	UT	2,400	7-20-94
Central Water Works (Fort Dodge)	WS	275	8-21-94
Blanchard, City of	WS	275	8-22-94
Crawford Flats, Ltd. (Denison)	WS	275	8-25-94
Holland, City of	WS	550	8-28-94
Denmark Municipal Water Supply (Denmark)	WS	550	8-28-94
Hide-A-Way Manor (Cedar Rapids)	WS	275	8-28-94
*Terry Bealrd d/b/a Curry Environ. Services (Marion)	AQ	1,000	9-01-94
Coralville Lake Terrace Assn. (North Liberty)	WS	550	9-01-94
The Marley Pump Co. (Davenport)	WS	125	9-13-94
RHCL School (Luxemberg)	WS	125	9-14-94
Bill Dettman d/b/a Dettman Oil Co. (Fonda)	UT	2,800	9-15-94
Kilpeck Mobile Home Park (Muscatine)	WS	275	9-23-94
Immanuel Lutheran Church and School (Readlyn)	WS	275	9-23-94
Sunshine Homes, Inc. (Atlantic)	WS	275	9-25-94
Scenic View Estates (Decorah)	WS	275	9-25-94
Yarmouth Elementary School (Mediapolis)	WS	375	10-12-94
Batavia, City of	WS	650	10-17-94
Geils Oil Company; Lawrence P. Geils (Donnelson)	UT	3,200	10-18-94
Hidden Valley Mobile Home Court (Washington Co.)	WS	200	10-22-94
*Dale Hall d/b/a Hall Oil Co. (Des Moines)	UT	250	11-15-94
Donald K. Schmidt (Cedar Rapids)	UT	3,000	12-27-94
Collier Oil Co.; Clark Concrete Co. (Onawa)	UT	3,300	1-22-95
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
North Coralville Lake Manor (Solon)	WS	450	3-26-95
Curry Environmental Services (Dubuque)	AQ	6,000	3-27-95
Ron Mumby (Iowa Co.)	SW	2,000	4-19-95
Jody Beaver (Cedar Co.)	SW/AQ	2,000	5-27-95

*Payment Schedule

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Valley Heights 1st Annex (Blue Grass)	WS	550	6-05-95
Orrie's Supper Club, Inc. (Hudson)	WS	3,000	6-11-95
Rock Falls Lounge (Rock Falls)	WS	1,500	6-12-95
Dallas County Care Facility (Adel)	WS	550	6-13-95
Crestwood Acres; Mid County Water, Inc. (Toddville)	WS	375	6-13-95
Lake Vista Improvement Assn., Inc. (Solon)	WS	200	6-14-95
Kinseth Hotel Corp.; Best Western Westfield (Coralville)	WS	500	7-01-95
Wieland & Sons Lumber Co. (Winthrop)	AQ/SW	3,000	7-04-95
Fremont County Sanitary Landfill (Fremont Co.)	SW	5,000	7-05-95
ESCORP Associates Ltd.; Arnold Olson (Cedar Rapids)	AQ	10,000	7-09-95
Jay Browns d/b/a Browns Service (Murray)	UT	1,272	7-10-95
David A. Dohlman d/b/a Dave's Conoco (Dumont)	UT	2,300	7-18-95
Nishna Valley Community School (Hastings)	WS	1,000	8-05-95
Oscar Hahn (Solon)	SW/AQ	2,000	8-29-95
M & L Service; Loyal Dorr; Mark Courtney (Guthrie Center)	UT	1,000	8-30-95
Sheldahl, City of	WS	200	8-30-95
Norman Klynsmas d/b/a OK One Stop Service (Hospers)	UT	2,000	9-01-95
Orville Long (Polk County)	SW	3,000	9-12-95
Bossom's Quasky Mart (Quasqueton)	WS	100	10-01-95
Ken Frese (Keokuk Co.)	SW/AQ	1,000	10-03-95
Scattergood Friends School (West Branch)	WS	200	10-24-95
Carter Lake, City of	WS	200	10-25-95
Magnolia, City of	WS	200	10-25-95
Meadow Knolls Addition (Marion)	WS	200	10-29-95
Searsboro, City of	WW	2,500	11-08-95
*R.V. Hopkins, Inc. (Davenport)	AQ	10,000	11-15-95
Rittmer, Inc. (DeWitt)	AQ	1,000	11-25-95
Jack Finney Operations, Inc. (Sioux City)	AQ	4,000	12-09-95
Farmers Cooperative Company (Dows)	AQ/SW	1,000	12-18-95
Enviro Safe Air, Inc. (Sioux City)	AQ	10,000	12-18-95
Larson Cont. Inc. (Winnebago Co.)	AQ/SW	1,000	12-19-95
Edward Bodensteiner (Des Moines)	UT	3,200	-----
Plantation Village Mobile Home Park (Burlington)	WW	1,000	-----
William R. Hennessey & Son, Inc. (Cedar Rapids)	UT	2,670	-----
TOTAL		130,647	

The following cases have been referred to the Attorney General:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
OK Lounge (Marion)	WS	448	11-01-87
Richard Davis (Albia)	SW	1,000	2-28-88
Eagle Wrecking Co. (Pottawattamie Co.)	SW	300	5-07-89
*Twelve Mile House (Bernard)	WS	119	5-20-89
*Lawrence Payne (Ottumwa)	SW	425	6-19-89
William L. Bown (Marshalltown)	SW	1,000	10-01-89
Wellendorf Trust (Algona)	AQ/SW	460	2-12-90
Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Gerald G. Pregler (Dubuque Co.)	SW	1,000	9-02-90
Donald R. Null (Clinton Co.)	AQ/SW	1,000	9-06-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Fred Varner (Worth Co.)	SW	950	4-11-91
Honey Creek Camping Resort (Crescent)	WS	245	6-13-91
F.R. Thomas/F.R. Thomas, Jr. d/b/a Clair View Acres Store (Delhi)	WS	1,000	8-04-91
*M & W Mobile Home Park (Muscatine)	WW	200	8-21-91
Vern Starling (Boone Co.)	SW	440	9-15-91
Lloyd Dunton (Iowa Co.)	SW	300	11-07-91
Vernus Wunschel d/b/a Wunschel Oil (Ida Grove)	UT	300	1-12-92
Kenneth Bode (Mills Co.)	SW	300	4-27-92
V.R. Dillingham d/b/a Barb's Service (Everly)	UT	600	5-21-92
Tandem Oak Park Associates (Ft. Dodge)	WS	405	6-03-92
Dick White (Washington County)	AQ	250	8-15-92
Rankin Roofing & Siding Co. (Knoxville)	AQ	500	11-09-92
Tony Hoyt d/b/a Lake Wilderness (Lee Co.)	SW	1,000	1-23-93
Bernard Gavin Veterinary Clinic (Wellsburg)	SW	600	5-02-92
Tim Sharp (Newton)	UT	1,000	1-25-93
David Young d/b/a Sierp Oil Co. (Casey)	UT	300	2-10-93
Carson Grain & Implement (Coggon)	UT	1,000	8-03-92
Robert Bodwell (Winterset)	UT	300	7-07-93
Louis Saak d/b/a Saak Oil Co. (Baxter)	UT	1,560	12-25-93
Smith Oil Co.; Franklin Smith (Mt. Ayr)	UT	600	3-31-94
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Economy Solar Corp. (Monticello)	AQ	100	6-01-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Trust Trucking Corp.; Jim and Brenda Huyser (Lovilia)	UT	840	11-01-94
Wunschel Oil, et.al. (Battle Creek)	UT	6,400	11-08-94
Paul L. Dunkel (Delaware Co.)	SW	1,500	11-09-94
Orrie's Supper Club, Inc. (Hudson)	WS	275	9-19-94
TOTAL		33,056	

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Joe Eggers, Jr., et.al. (St. Ansgar)	SW	1,000
Hickory Hollow Water Co. (Ankeny)	WS	400
Wayne Transportation, Inc. (Greene)	WW	1,000
Mulgrew Oil Company (Dubuque)	HC	500
John Staub d/b/a Mr. Convenient (Burlington)	UT	600
Charles Kerr (Sloan)	UT	600
Stringtown Country Cafe (Lenox)	WS	1,000
Lincoln Farm and Home Service (Henderson)	WW	1,000
Chickasaw Co. SLF, et.al. (Chickasaw Co.)	SW	1,000
Plymouth Cooperative Oil Co. (Hinton)	WW	1,000

LaVerne Rehder (Union)	UT	300
Randy Bonin/Vickie Brannick (Hardin Co.)	SW	500
Dean Hoeness d/b/a Hoeness & Sons (Winterset)	UT	300
Decatur, City of	UT	600
King's Terrace Mobile Home Court (Ames)	WW	500
ITWC, Inc. (Malcom)	AQ	1,000
Lloyd Decker (Floyd Co.)	SW	1,000
Waucoma, City of	WS	200
Tracy Below (Hardin Co.)	WW	1,000
Grand Laboratories, Inc. (Larchwood)	WW	1,000
Frank Hulshizer (Benton Co.)	SW	500
Chicago/Northwestern Transp. Co. (Council Bluffs)	HC	1,000
Firelli Armstrong Tire Corp. (Polk Co.)	SW	1,000
Land Renu, Inc. (Rockwell City)	SW	1,000
LeMars, City of	WW	5,000
Crane Co. d/b/a Crane Valves (Washington Co.)	SW	500
Donald Udell (Plymouth Co.)	SW	1,000
Daisy H. Gridley Conservatorship, et.al. (Union Co.)	SW	1,000
Thomas L. Burt, et. al. (Butler Co.)	SW	1,000
Oakwood Park Water, Inc. (Ankeny)	WS	1,000
U.S. Dept. of Defense (Sioux City)	UT	5,720
Blue Spruce Feedlots, Inc. (Pottawattamie Co.)	WW	5,000
Valley Restaurant/Sierp Oil/Mary & Carl Sierp (Villisca)	UT	5,000
Valley Restaurant/Sierp Oil/Robert Radford (Villisca)	UT	2,300
Orlo Stewart, et.al. (Webster Co.)	SW	1,000
J.P. Scherrman, Inc. (Farley)	UT	1,160
Lester D. Davis & Evelyn McKelvogue (Warren Co.)	AQ/SW	5,000
Waverly Gravel & Ready-Mix aka Shell Rock Sand & Gravel (Shell Rock)	AQ	3,000
Anderson Excavating & Wrecking Co. (Waterloo)	AQ	1,000
Farmers Hybrid Companies, Inc. (Keokuk Co.)	WW	3,500
L.F. & Betty Everett; Vern Barker & Donald Knotts, d/b/a Barker & Knotts Construction; and Gene Philips (Ottumwa)	AQ	10,000
Eli Shada (Anamosa)	UT	1,328
James and Robert Brock d/b/a B & B Oil (Ringsted)	UT	1,685
M and D Tire Processing, Inc. (Decatur Co.)	SW	10,000
Merrill, City of	AQ	5,000
Harold Lee (Keokuk Co.)	WW	3,300
Riverside Plating Company (Shell Rock)	WW	1,500
Economy Solar Corp. (Monticello)	AQ	5,000
Toys "R" Us, Inc. (Davenport)	UT	5,560
Coastal Mart, Inc.-Store #1081 (Davenport)	UT	5,320
John Deere Company (Waterloo)	AQ	1,000
Parkwest, Ltd.; Wilbur Numelin; Ricky Lee Anderson (Clear Lake)	UT	2,280
Country Stores of Carroll, Ltd.; Roger Kanne (Carroll)	UT	10,000
Elite, Ltd.; Roger Kanne; James Pietig (Coon Rapids)	UT	3,500
Elite, Ltd.; Roger Kanne; James Pietig (Logan)	UT	3,288
HiWay Texaco, Ltd.; Roger Kanne; Rick Kanne (Bagley)	UT	5,000
Galva Union Elevator Co. (Galva)	UT	3,100
Farmers Hybrid Companies, Inc. (Hamilton Co.)	WW	4,000
Joseph L. Ranker; Daryl Hollingsworth (Indianola)	UT	4,000
Larry and Kelly Miller (Ogden)	UT	2,000
K-Mart Corporation/Store #7261 (Des Moines)	UT	6,000
R.D.J. Farms; Donald Vogt (Van Horne)	UT	1,300
Home Oil Stations; Otto-Matic; Larence Otto (Burlington)	UT	3,000
Tom Wiseman (Sheffield)	UT	3,500
Village Oaks Homeowners Assn. (Blue Grass)	WS	550
Karl and Thelma Boylan d/b/a Boylan's Service (Northboro)	UT	1,800
Thomas M. Scheetz d/b/a The Depot Food N' Fuel (Oxford)	UT	2,300
William Jensen d/b/a B & B Tire & Oil Co. (Avoca)	UT	2,300
Riverview Estates (Iowa City)	WS	275
Crabtree Lake Resort (Rhodes)	WW	5,400
Elmer R. Faust d/b/a Faust Garage & Grocery (Delaware)	UT	2,300
American Coals Corporation-Site #5 (Bussey)	SW/AQ	10,000
H.E.W., Inc. a/k/a Hazardous Environmental Wastes, Inc., a/k/a Algona Roofing & Insulation, Inc. (Algona)	AQ	5,000
Bankston, City of	WS	550
Wunschel Oil, et.al. (Ida Grove)	UT	10,000
Burke Marketing Corporation (Nevada)	WW	5,000
Chicago & North Western Transportation Co. (Clay Co.)	WW/SW	10,000
Jim Foust (Indianola)	SW	2,175
Titan Wheel International, Inc. (Walcott)	WW	10,000
Ronald Sizemore and Mark Murphy (Eldora)	UT	3,200
First United Methodist Church (Ft. Madison)	AQ	10,000
Mike Murphy d/b/a Hawley Heating & Air (Keokuk)	AQ	10,000
Boomsma's Egg, Inc. (Alden/Galt)	AQ	10,000
George Dolan (Northwood)	UT	3,300

*Payment Schedule

Chuck Widner, Jr. d/b/a E.D.O., Inc. (Glidden)	AQ	2,000
Woodbury County Highway Department (Woodbury Co.)	UT	4,000
Keith Owens and Howard Maurer (Wilton)	UT	3,100
Tom Babinat d/b/a Tom's Car Care (Grundy Center)	UT	3,600
Welch Oil, Inc. (Williams)	UT	10,000
Richard Beckett (Villisca)	UT	1,300
Gilmore City-Bradgate Comm. School Dist. (Gilmore City)	AQ	6,000
Henry and Randy Krohn d/b/a Krohn Const. (Waukee)	AQ/SW	4,000
James and Roxann Neneman; J & R Mini Mart (Council Bluffs)	UT	3,900
Simonsen Industries, Inc. (Cherokee Co.)	WW	5,000
Hubert Vote d/b/a Vote House Moving (Gilmore City)	AQ	6,000
Allan Brandhoij d/b/a Brandhoij Const. (Gilmore City)	AQ	6,000
Dennis Sharkey d/b/a Sharkey Bldg. Wrecking (Dubuque)	AQ	6,000
Richard Waugh d/b/a Dick's Apco Car Wash (Hampton)	UT	885
Sale-R-Villa Const., Inc. (Perry)	AQ	10,000
Woden-Crystal Lake Comm. School District (Crystal Lake)	AQ	10,000
Lehigh Portland Cement Co. (Mason City)	AQ	10,000
Otis Schultz d/b/a Schultz Oil Co. (Sac City)	UT	2,200
Dennis Malone & Joanne Malone (Morning Sun)	UT	600
Larry Royer (Guthrie Co.)	WW	1,000
Randy Ballard (Fayette Co.)	FP	2,000
Perry, City of	WW	10,000
Bacon Addition (Monticello)	WS	375
Riverview Manor (Scott Co.)	WS	375
Sioux City, City of	AQ	10,000
Dan Schwitters; Schwitters Enterprises (Cedar Rapids)	UT	600
Ferris Sullivan d/b/a Sullivan's Sinclair (Preston)	UT	2,000
Leonard Bormann (Preston)	UT	2,000
Economy Solar Corp.; Jeffry C. Intlekofer (Cedar Rapids)	AQ	10,000
Marty Feinberg d/b/a Feinberg Scrap Iron; Betty Feinberg; F&F Metals (Lee Co.)	HC/WW	10,000
Marvin Rozenboom (Mahaska Co.)	SW	3,000
Keck, Inc. (Des Moines)	UT	1,500
Cumberland Ridge First Addition (North Liberty)	WS	550
West Side Unlimited Corp.; West Side Salvage (Benton Co.)	AQ/SW	5,000
Doolittle Oil Company, Inc. (Webster City)	UT	6,500
Dan Peterson d/b/a Peterson Backhoe (Dumont)	AQ	3,000
Earth Media Technologies, Inc. (Polk County)	SW	3,000
Allison-Bristow Community School District (Allison)	AQ	5,000
Allison Fire Dept.; Allison, City of	AQ	5,000
Pilot Oil Corporation (Walcott)	WW/UT	5,000
Leonard C. Page (Adams Co.)	SW	3,000
Mark Twain Meadows Assoc. (Muscatine)	WS	900
White Oaks Homeowners Assn. (Ankeny)	WS	1,000
Boyer Valley Company (Arion)	WW	8,000
Wilbur McNear; Gilbert Persinger (Smithland)	UT	2,500
Donald Krieger (Terrill)	UT	600
Donald J. Foreman d/b/a D & R Feedlots (Woodbury Co.)	WW	3,000
Rinehart Construction d/b/a North Dallas SLF (Boone Co.)	WW/SW	10,000
Wilbur McNear d/b/a McNear Oil Co. (Charter Oak)	UT	2,000
Maple Hill Country Club (Tripoli)	WS	300
Holiday Mobile Lodge, Inc. (Johnson Co.)	SW/AQ	2,000
Kellerton, City of	WS	400
Shell Rock Products, Inc. (Butler Co.)	SW/AQ	10,000
Woden, City of	WS	500
Michael Glantz d/b/a AAMCO Transmission (Des Moines)	WW/HC	3,500
Colwell, City of	WS	200
Hanlontown, City of	WS	300
DEM, Inc. (Cedar Falls)	AQ	10,000
Jerry McElmeel d/b/a McElmeel & Sons Const. (Monticello)	AQ	5,000
E.L. Incorporated (Algona)	SW	5,000
Weber Construction, Inc. (Cascade)	AQ	4,000
Tri-County Bank & Trust (Cascade)	AQ	4,000
Central Community School District (DeWitt)	AQ	5,000

TOTAL 526,676

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
West Des Moines, City of	WW/HC	1,000
Bondurant Municipal Water Supply	WS	500
Galva, City of	WS	1,000
Mel-Ray Mobile Home Park (Ankeny)	WW	200
Waste Management & Design, Inc. (Webster City) (PAID IN FULL)	WW	720
James E. Vaske (Kossuth Co.)	WW	1,000
Jerry D. and Ann L. Smidt (Hancock Co.)	AQ/SW	250
TOTAL		4,670

The \$1,440 penalty assessed to K-Service, Inc.; Kirkendall Enterprises, et.al. (Sloan) has been rescinded.

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
ATTORNEY GENERAL REFERRALS
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Name, Location and Region Number		Program	Alleged Violation	DNR Action	New or Updated Status	Date
AMPC Lytton (3)		Wastewater	Operational Violations	Referred to Attorney General	Referred	8/10/94
Advanced Technologies Corp. Cedar Falls (1)		Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date	3/21/94 8/29/94 1/16/96
American Asbestos Training Center, Ltd Monticello (3)	Updated	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date Continued	3/21/94 8/29/94 3/26/96
American Asbestos Training Center, Ltd. Cedar Rapids (1)		Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date	7/22/94 8/29/94 11/06/95
Ampel Corporation Des Moines (5)		Air Quality	Construction Without Permit Permit Conditions	Referred to Attorney General	Referred Petition Filed Motion for Partial Summary Judgment DNR Motion to Disqualify Attorney Hearing Ruling/Defense Attorney Disqualified Trial Date	12/20/93 2/21/94 9/02/94 10/18/94 11/18/94 12/06/94 11/13/95
Bodwell, Robert Winterset (5)		Underground Tank	Site Assessment	Order/Penalty	Referred Petition Filed Trial Date	2/21/94 7/21/94 7/11/95
DeCoster, A.J. Wright Co. (2)	New	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	7/17/95
Dunkel, Paul L. Delaware Co. (1)		Solid Waste	Illegal Disposal	Order/Penalty	Referred	6/19/95
Economy Solar Corp. Ft. Madison (6)		Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date	3/21/94 8/29/94 12/06/95
Economy Solar Corp. Waterloo (1)		Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date	3/21/94 8/29/94 1/16/96
Economy Solar Corp. Cedar Rapids (1)		Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date	7/22/94 8/29/94 10/09/95
Ervin, Don Webster County (2)		Solid Waste	Operation Without Permit	Order/Penalty	Referred Judgment for \$1,000 Execution & Order to Levy Application to Condemn Funds Partial Payment Received (\$331)	4/16/90 7/13/90 9/28/90 11/27/90 11/30/90
			Permit Violations	Referred to Attorney General	Referred Temporary Injunction Order of Contempt Order Granting Stay Contempt Reversed (Court of Appeals) Application for Further Review Supreme Ct. Reversed Ct of Appeals Order to Serve Sentence Application for Hearing Order Denying Reconsideration of Sentence Partial Consent Decree Consent Decree (\$1,000,000/Civil)	9/16/91 9/18/91 12/20/91 12/26/91 9/29/92 10/16/92 2/17/93 3/17/93 3/18/93 3/19/93 1/10/95 5/30/95
Giese, William Giese Construction Co. Ft. Dodge (2)	Updated	Flood Plain Wastewater	Unauth. Construction Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Consent Decree (\$15,000/Civil and Compliance Order)	7/18/94 10/12/94 10/24/95
Harrison County Board of Supervisors (4)		Solid Waste	Operating Violations	Referred to Attorney General	Referred Petition Filed	2/21/94 7/11/94
Huyser, James; Trust Trucking Lovilia (5)		Underground Tank	Site Assessment	Referred to Attorney General	Referred	11/21/94

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DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
ATTORNEY GENERAL REFERRALS
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Name, Location and Region Number		Program	Alleged Violation	DNR Action	New or Updated Status	Date
Jarvis, Marjorie and Terry Strong Council Bluffs (4)		Underground Tank	Closure Investigation	Order	Referred Petition Filed	11/15/93 2/14/94
Klocke, Paul and Mary Kay Carroll (4)	New	Flood Plain	Unauthorized Construction	Order	Referred	10/16/95
Lee, Harold and Evelyn Keokuk Co. (6)	New	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	10/16/95
Martinez, Vincent d/b/a Martinez Sewer Service Davenport (6)		Hazardous Condition	Remedial Action	Order/Penalty	Referred Petition Filed Partial Default Judgment (Injunction)	2/17/92 12/21/92 10/11/94
McCarty Creek Homeowners LeClaire (6)	Updated	Drinking Water	Monitoring/Reporting- Lead & Copper	Order/Penalty	Referred Petition Filed Consent Order (\$275/Admin. and Injunction)	10/17/94 5/02/95 9/25/95
Moore, Ron d/b/a 63-180 Cafe Malcom (5)		Drinking Water	Mtrg/Rprtng Nitrate; Other	Order/Penalty	Referred Payment Schedule (\$1,000/Admin.) Motion for Judgment	11/16/92 4/02/93 6/30/94
Northwood Cooperative Elevator;		Hazardous Condition	DNR Defendant	Defense	Suit Filed DNR Answer Consolidation Order 215.1 Order	12/07/92 12/28/92 1/05/93 12/22/94
Worth Co. Co-op Oil					Suit Filed DNR Answer Consolidation Order 215.1 Order	12/07/93 12/28/92 3/10/93 12/22/94
Amoco					Suit Filed DNR Answer Consolidation Order 215.1 Order	12/15/92 1/04/93 3/10/93 12/22/94
v IDNR						
Orrie's Supper Club, Inc. Hudson (1)	New	Drinking Water	Monitoring/Reporting; Lead & Copper	Order/Penalty	Referred	10/16/95
Plantation Village MHP Burlington (6)	New	Wastewater	Monitoring/Reporting	Order/Penalty	Referred	10/16/95
Rayburn Court for Mobile Homes Mason City (2)		Drinking Water	Monitoring/Reporting; Lead & Copper	Order/Penalty	Referred Petition Filed	11/21/94 5/02/95
Reed, Verna and Don; Andrea Silsby Union Co. (4)		Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed Default Judgment	6/20/94 8/10/94 12/12/94
Relative, Inc.; Doug Smuck Des Moines (5)		Underground Tank	Insurance Violation	Order/Penalty	Referred Petition Filed	10/17/94 5/12/95
Smith, Franklin; Smith Oil Company Mt. Ayr (5)		Underground Tank	Closure Investigation	Order/Penalty	Referred Petition Filed Trial Date	4/18/94 7/25/94 5/16/95
Waterloo Community School District Waterloo (1)		Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date	3/21/94 8/29/94 1/16/96
Wunschel Oil Co.; Vernus, Jacquelyn & Mark Wunschel Ida Grove (3)		Tank	Underground Site Assessment	Order/Penalty	Referred	1/17/95

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
1-23-86	Delwein Soil Service	Administrative Order	WW	Murphy	Hearing continued; additional testing being done.
10-20-88	Worth Co. Co-Op Oil Northwood Cooperative Elevator Sunray Refining and Marketing Co. Administrative Order	HC	HC	Murphy	Ruling on dismissal/intervention 11/16/92. Petition for Judicial Review. Judicial review hearing continued. Stipulation of dismissal being prepared.
6-08-89	Shaver Road Investments	Site Registry	HW	Kennedy	Draft consent order under review.
6-08-89	Hawkeye Rubber Mfg. Co.	Site Registry	HW	Kennedy	Draft consent order under review.
6-08-89	Lehigh Portland Cement Co.	Site Registry	HW	Murphy	Hearing continued. Discovery initiated.
6-22-89	Chicago & Northwestern Transportation Co. Hawkeye Land Co. Blue Chip Enterprises	Administrative Order	HC	Murphy	District court affirms Dept. - 4/23/93. Iowa Supreme Court decision 2/29/95.
10-24-89	Farmers Cooperative Elevator Association of Sheldon	Site Registry	HC	Kennedy	Consent order signed.
11-03-89	Bridgestone/Firestone, Inc.	Site Registry	HC	Murphy	Hearing continued pending negotiations.
5-08-90	Texaco Inc./Chemplex Co. Site	Site Registry	HW	-----	Settlement proposed.
5-14-90	Alter Trading Corp. (Council Bluffs)	Administrative Order	SW	Kennedy	Negotiating before filing.
6-20-90	Des Moines, City of	NPDES Permit Cond.	WW	Hansen	EPD met with City to resolve appeal issues. Follow-up meeting to be held.
7-02-90	Keokuk Savings Bank and Trust Keokuk Coal Gas Site	Site Registry	HW	-----	Hearing continued.
7-30-90	Key City Coal Gas Site; & Howard Pixler	Site Registry	HW	-----	Decision appealed (Pixler).
8-01-90	J.I. Case Company	Site Registry	HW	Preziosi	Hearing continued.
9-12-90	Michael & Joyce Haws; George H. Gronau	Administrative Order	UT	Wornson	New party has assumed liability. Will dismiss case upon completion of SCR.
10-15-90	Westside General Store Corp.	Administrative Order	UT	Wornson	Negotiating settlement.
12-03-90	United States Gypsum Co. Smitty's Oil	Site Registry	HC	Preziosi	Negotiating before filing.
12-27-90	McAtee Tire Service, Inc.	Administrative Order	SW	Kennedy	Hearing continued.
1-07-91	Joe E. Eggers, Jr.; Joe and Mary Eggers	Administrative Order	SW	Kennedy	Hearing continued to further order.
5-20-91	Great Rivers Coop--Lockridge	Site Registry	HC	Murphy	Settlement proposed.
7-24-91	Alter Trading Corp. (Davenport)	Administrative Order	SW	Kennedy	Negotiating before filing.
9-25-91	Archer Daniels Midland	Administrative Order	SW	Kennedy	Negotiating before filing.
1-17-92	Hickory Hollow Water Co.	Administrative Order	WS	Hansen	Settlement offer to WS. Counter offer 7/13/93. Dept. response on 8/3/93. Facility response 8/11/93. 12/93 Dept. letter to attorney. Construction permit issued for fluoride removal. Facility to be installed by 10/30/94.
1-30-92	Center Oil Co., Inc.	Administrative Order	HC	Murphy	Negotiating before filing.
4-09-92	Wayne Transports, Inc.	Administrative Order	WW	Murphy	Negotiating before filing.
4-15-92	Mulgrew Oil Co.	Administrative Order	HC	Wornson	Settlement letter sent 8/31/94. SCR initiated.
4-24-92	Charles A. Kerr	Administrative Order	UT	Wornson	Financial inability claimed. Warning letter sent 1/25/95.
5-05-92	Plymouth Cooperative Oil Co.	Administrative Order	WW	Murphy	Negotiating before filing.
5-12-92	Paris & Sons, Inc.	Site Registry	HC	Murphy	Negotiating before filing.
5-15-92	Heartland Lysine, Inc.	Tax Certification	AQ	Preziosi	Negotiating before filing.
5-27-92	Beckett Chevrolet-Olds	Administrative Order	UT	Wornson	Financial inability claimed. Claimant completing financial documents.

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6-23-92	Chickasaw County Board of Supervisors, Chickasaw Co. SLF	Administrative Order	SW	Kennedy	Negotiating before filing.
8-06-92	Randy Bonin and Vickie Brannick	Administrative Order	SW	Kennedy	Negotiating before filing.
8-24-92	Dean Hoeness d/b/a Hoeness & Sons	Administrative Order	UT	Wornson	Financial inability claimed. Request documents.
9-21-92	ITWC	Administrative Order	AQ	Preziosi	Negotiating before filing.
9-22-92	King's Terrace MHP	Administrative Order	WW	Hansen	8/94-Letter to facility regarding resolution of appeal.
10-06-92	Lloyd Decker	Administrative Order	SW	Kennedy	Hearing continued.
11-13-92	Tracy Below	Administrative Order	WW	Clark	Hearing continued.
11-16-92	Grand Laboratories Inc.	Administrative Order	WW	Hansen	Unacceptable revised work plan submitted. Request acceptable plan by 4/29/94. Letter from facility's attorney 4/94. 5/94 letter to F.O. 3 from company regarding submittal of site assessment. 10/94 Letter to facility attorney regarding site assessment. 12/94 Letter from attorney - new work plan submitted to F.O. 3. To be sent to DIA. Hearing set for 10/06/95. Settlement discussions in progress.
11-16-92	Frank Hulshizer	Administrative Order	SW	Kennedy	Negotiating before filing.
12-14-92	Quantum	Permit Conditions	WW	Hansen	3/30/93 Dept. settlement offer made. 5/03/93 - response from company. Company collecting data. Company response submitted 12/93. EPD to review information regarding permit calculations.
1-22-93	Pirelli Armstrong Tire Co.	Administrative Order	SW	Kennedy	Negotiating before filing.
3/09-93	James, William d/b/a Bill James Agencies	Administrative Order	SW	Kennedy	Negotiating before filing.
3/11/93	Land Renu, Inc.	Administrative Order	SW	Wornson	Compliance complete. Negotiating penalty.
4/05/93	Mapleton, City of	WW Operator Certification	WW	Hansen	Under review by EPD - letter drafted.
4/12/93	LeMars, City of	Administrative Order	WW	Hansen	Plan of action submitted. Reviewed by EPD. Construction permit issued. 2/94-Schedule submitted by City for remaining construction.
4/19/93	Council Bluffs, City of	Permit Conditions	WW	Hansen	Under review by EPD.
4/21/93	Donald Udell	Administrative Order	SW	Kennedy	Negotiating before filing.
4/26/93	Crane Co.	Administrative Order	SW	Kennedy	Negotiating before filing.
6/21/93	Jacobs Energy Corp., Inc.	Permit Denial	AQ	Preziosi	Negotiating before filing.
6/29/93	Mel-Ray MHP and Sales	Administrative Order	WW	Clark	Settled.
7/06/93 7/28/93	Dennis E. Good Berniece K. Nease	Administrative Order	UT	Wornson	Negotiating before filing.
7/09/93	Oakwood Park Water, Inc.	Administrative Order	WS	Hansen	Proposal by facility's attorney 7/13/93. Response by Dept. 8/3/93. Response by facility 8/11/93. 12/93 Dept. letter to attorney. Construction permit issued 2/94. Facility to be installed by 11/30/94.
7/20/93	U.S. Dept. of Defense	Administrative Order	UT	Wornson	Settlement expected.
7/23/93	Blue Spruce Feedlots, Inc.	Administrative Order	WW	Clark	Negotiating before filing.
8/24/93	Green Valley Chemical	Permit Conditions	WW	Hansen	Company to do stream survey 8/94. Survey completed. Meeting to discuss survey 9/11/94. Survey being reviewed by EPD.
9/09/93	Ames Transit Authority	Permit Conditions	AQ	Preziosi	Negotiating before filing.
10/15/93	Bedford, City of	Plant Classification	WW	Hansen	Under review by EPD.
11/15/93	J.P. Scherrman, Inc.	Administrative Order	UT	Wornson	Penalty letter sent.
11/16/93	Iowa Southern Utilities	Permit Conditions	AQ	Preziosi	Negotiating before filing.

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12/13/93	Lester R. Davis and Evelyn McKelvogue	Administrative Order	AQ/SW	Kennedy	Settlement pending.
12/23/93	Waverly Gravel & Ready-Mix aka Shell Rock Sand and Gravel	Administrative Order	AQ	Preziosi	Negotiating before filing.
1/03/94	Farmers Hybrid Co., Inc.	Administrative Order	WW	Clark	Negotiating before filing.
1/06/94	L.F. Everett and Betty Everett	Administrative Order	AQ	Preziosi	Negotiating before filing.
1/07/94	Eli Shada	Administrative Order	UT	Wornson	Negotiating before filing.
1/13/94	James and Robert Brock d/b/a B & B Oil Co.	Administrative Order	UT	Wornson	Favorable ALJ decision. EPC affirmed.
1/18/94	M & D Tire Processing, Inc.	Administrative Order	SW	Kennedy	Settlement pending.
1/19/94	Cottage Reserve Corp.	Permit Conditions	WS	Clark	Settled.
1/20/94	Gene Phillips d/b/a Phillips Sanitation	Administrative Order	AQ	Preziosi	Negotiating before filing.
1/27/94	Archer-Daniels-Midland	Permit Conditions	AQ	Preziosi	Negotiating before filing.
2/02/94	John Deere Waterloo Works	Tax Certification	WW	Hansen	Negotiating before filing.
2/09/94	Harold Lee	Administrative Order	WW	Clark	Sent to DIA.
2/14/94	Economy Solar Corp 94-AQ-04	Administrative Order	AQ	Preziosi	Waiting for decision on judicial review of agency action.
2/15/94	Riverside Plating	Administrative Order	WW	Hansen	Settlement offer received from company regarding penalty.
2/21/94	Toys "R" Us	Administrative Order	UT	Wornson	Compliance initiated. Penalty appealed.
2/25/94	John Deere Waterloo Works	Administrative Order	AQ	Preziosi	Settlement close.
2/28/94	Coastal Mart Davenport	Administrative Order	UT	Wornson	Deficient SCR. Letter sent. Penalty on appeal.
3/03/94	Burlington Northern Railroad	Tax Certification	WW	Hansen	Negotiating before filing.
3/08/94	Country Stores of Carroll, Ltd.; Elite Ltd.; Roger Kanne; James Pietig (Logan) (Coon Rapids)	Administrative Order	UT	Wornson	All SCRs received- negotiating penalty.
4/19/94	Galva Union Elevator Co.	Administrative Order	UT	Wornson	Negotiating penalty.
5/09/94	Farmers Hybrid Co., Inc.	Administrative Order	WW	Clark	Negotiating before filing.
5/10/94	Dennis Malone; Joanne Malone	Administrative Order	UT	Wornson	Negotiating before filing.
5/27/94	Joseph L. Ranker; Darl Hollingsworth	Administrative Order	UT	Wornson	Demand letter before DIA referral.
6/03/94	Maquoketa, City of	Administrative Order	WW	Hansen	11/4/94 Construction permit issued to facility for new facilit. Construction to begin immediately and be completed by summer of 1995. Construction of SBR units completed.
6/08/94	Larry & Kelly Miller	Administrative Order	UT	Wornson	SCR submitted. Negotiating penalty.
6/14/94	K-Mart Corp./Store #7261	Administrative Order	UT	Wornson	Settlement pending.
6/15/94	Lakeview Heights	Permit Conditions	WS	Hansen	Facility proposal under review by WS.
6/20/94	R.D.J. Farms and Donald Vogt	Administrative Order	UT	Wornson	Compliance initiated.
6/24/94	Griffith Oil Corp.	Administrative Order	UT	Wornson	Compliance initiated.
6/24/94	Larence Otto	Administrative Order	UT	Wornson	Compliance initiated.
7/07/94	Rose Bar Tire Shredding	Administrative Order	SW	Kennedy	In bankruptcy.
7/12/94	Tom Wiseman	Administrative Order	UT	Wornson	New case. Appeal untimely.
7/15/94	Village Oaks Homeowners	Administrative Order	WS	Hansen	Negotiating before filing.

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7/25/94	ACC Chemical Co. Getty Chemical Co.	Permit Conditions	WM	Hansen	Hearing continued indefinitely. Appeal settled. Revised permit to be reviewed by appellants.
7/27/94	Twin View Heights 5282301	Administrative Order	WS	Hansen	11/14/94 Letter to facility regarding settlement. 12/94 Response from facility - working toward compliance. 7/26/95 facility in compliance. Dept. offer to reduce penalty.
8/12/94	Karl and Thelma Boylan d/b/a Boylan's Service	Administrative Order	UT	Wornson	Negotiating settlement.
8/18/94	Thomas Scheetz d/b/a The Depot Food & Fuel	Administrative Order	UT	Wornson	Compliance initiated.
8/29/94	Atlantic, City of	Administrative Order	WM	Hansen	Under review by EPD.
8/29/94	B and B Tire and Oil	Administrative Order	UT	Wornson	Negotiating before filing.
8/30/94	HHW Corporation	Permit Denial	AQ	Preziosi	Negotiating before filing.
9/01/94	Elmer R. Faust d/b/a Faust Garage & Grocery	Administrative Order	UT	Wornson	Compliance initiated.
9/02/94	Crabtree Lake Resort	Administrative Order	WM	Hansen	Compliance with AO initiated.
9/06/94	HEW, inc.	Administrative Order	AQ	Preziosi	Negotiating before filing.
9/09/94	American Coals Corp.	Administrative Order	SU/AQ	Kennedy	Bankruptcy filed.
9/15/94	Bankston	Administrative Order	WS	Hansen	1/95-Information from City. Compliance initiated.
9/16/94	Munschel Oil Co.; Vernus Munschel; Jacquelyn Munschel; Mark Munschel (Ida Grove)	Administrative Order	UT	Wornson	Consent order. SCR received.
9/19/94	Burke Marketing Corp.	Administrative Order	WM	Hansen	Penalty to be paid by 10/31/95.
9/23/94	Chicago and Northwestern Transportation Co.	Administrative Order	SW/WM	Murphy	Negotiating before filing.
9/26/94	James D. Foust	Administrative Order	SW	Kennedy	Negotiating before filing.
10/07/94	Titan Wheel International	Administrative Order	WM	Hansen	Revised BMR report submitted/reviewed by WM Permits.
10/17/94	First United Methodist Church	Administrative Order	AQ	Preziosi	Negotiating before filing.
10/19/94	Ronald Sizemore; Mark Murphy	Administrative Order	UT	Wornson	Negotiating before filing.
10/25/94	Mike Murphy d/b/a Hawley Heating & Air	Administrative Order	AQ	Preziosi	Negotiating before filing.
10/26/94	Boomsma's Inc.	Administrative Order	AQ	Preziosi	Negotiating before filing.
10/27/94	George Dolan	Administrative Order	UT	Wornson	Negotiating before filing.
10/27/94	Chuck Winder d/b/a E.D.O., Inc.	Administrative Order	AQ	Preziosi	Negotiating before filing.
10/31/94	Woodbury Co. Highway Dept.	Administrative Order	UT	Wornson	Negotiating before filing.
10/31/94	Keith Owens; Howard Maurer	Administrative Order	UT	Wornson	Proposed decision 10/5/95.
11/02/94	Richard Vaughn	Administrative Order	UT	Wornson	Compliance/negotiating penalty.
11/07/94	Jerry Smith; Norma S. Nelson	Permit Issuance	FP	Clark	Briefing complete 10/30/95.
11/10/94	Williams Pipeline Company	Permit Denial	AQ	Preziosi	Negotiating before filing.
11/14/94	Tom Babinat d/b/a Tom's Car Care	Administrative Order	UT	Wornson	Negotiating before filing.
11/23/94	Walnut Acres Campground; Fred and Fran Iben	Permit Issuance	FP	Clark	Negotiating before filing.
11/28/94	Richard Beckett	Administrative Order	UT	Wornson	Negotiating before filing.
11/30/94	Welch Oil, Inc.	Administrative Order	UT	Wornson	EPC affirmed. Closed.

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12/14/94	Campbell Clean-Up Service	Permit Denial	AQ	Preziosi	Negotiating before filing.
1/10/95	Steamboat Rock	Administrative Order	WS	Hansen	2/95-Settlement offer by City and response by Dept. 4/95 - Dept. letter to City regarding settlement. 5/95 - Construction approved by WS section for chlorination equipment.
1/11/95	Henry and Randy Krohn d/b/a Krohn Construction	Administrative Order	AQ/SW	Kennedy	Negotiating before filing.
1/13/95	Gilmore City-Bradgate Community School District	Administrative Order	AQ	Preziosi	Negotiating before filing.
1/13/95	James and Roxann Neneman	Administrative Order	UT	Wornson	Inability to pay. Forms sent.
1/13/95	Simonsen Industries, Inc.	Administrative Order	WW	Hansen	2/28/95-Submittal by facility's engineer regarding land application of sludge. Under review by WW permits staff.
1/20/95	Hubert Vote d/b/a Vote House Moving	Administrative Order	AQ	Preziosi	Settled.
1/20/95	Allan Brandhoij d/b/a Brandhoij Construction	Administrative Order	AQ	Preziosi	Settled.
2/14/95	Dennis Sharkey d/b/a Sharkey's Building Wrecking	Administrative Order	AQ	Preziosi	Negotiating before filing.
2/23/95	Woden-Crystal Lake Community School District	Administrative Order	AQ	Preziosi	Negotiating before filing.
2/23/95	Lehigh Portland Cement	Permit Conditions	WW	Hansen	Negotiating before filing.
2/27/95	Sale-R-Villa Construction	Administrative Order	AQ	Preziosi	Negotiating before filing.
3/23/95	American Coals Corp.	Administrative Order	SW	Kennedy	In bankruptcy.
4/13/95	The Weitz Corp.; Barton Solvents, Inc.	Administrative Order	HC	Kennedy	Negotiating before filing.
4/19/95	Otis Schultz d/b/a Schultz Oil Co.	Administrative Order	UT	Wornson	Negotiating before filing.
4/21/95	Randy Ballard	Administrative Order	FP	Clark	Negotiating before filing.
4/26/95	Larry Royer	Administrative Order	WW	Clark	Negotiating before filing.
4/26/95	Central Iowa Power Cooperative (CIPCO)	Permit Conditions	SW	Kennedy	Negotiating before filing.
4/28/95	Perry, City of	Administrative Order	WW	Hansen	Hearing set for 11/21/95.
5/01/95	Central Iowa Power Cooperative	Permit Conditions	SW	Kennedy	Settlement pending.
5/03/95	Bacon Addition Homeowners Assn.	Administrative Order	WS	Clark	Negotiating before filing.
5/04/95	M & W Mobile Home Park	Administrative Order	WW	Kennedy	Negotiating before filing.
5/05/95	C & O Recycling Enterprises; Douglas W. Owen	Permit Denial	AQ	Preziosi	Negotiating before filing.
5/08/95	Riverview Manor	Administrative Order	WS	Clark	Negotiating before filing.
5/10/95	Boone County Humane Society	Permit Denial	AQ	Preziosi	Settled.
5/19/95	Sioux City, City of	Administrative Order	AQ	Preziosi	Negotiating before filing.
5/23/95	Leonard Bormann	Administrative Order	UT	Wornson	Negotiating before filing.
5/25/95	Ferris Sullivan d/b/a Sullivan's Sinclair	Administrative Order	UT	Wornson	Negotiating before filing.
5/25/95	Marty Feinberg d/b/a Feinberg Scrap Iron; Betty Feinberg; F & F Metals	Administrative Order	HC/WW	Kennedy	Hearing set for 12/21/95.
5/25/95	E.I. DuPont DeNemours (95-A-133)	Permit Conditions	AQ	Preziosi	Negotiating before filing.
5/30/95	Marvin Rozenboom	Administrative Order	SW	Kennedy	Settlement pending.

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5/30/95	Economy Solar Corp.; Jeffrey C. Intlekofer (95-AQ-14)	Administrative Order	AQ	Preziosi	Negotiating before filing.
5/30/95	Earth Media Technologies	Administrative Order	SW	Kennedy	Negotiating before filing.
5/31/95	E.I. DuPont DeMours (91-A-266 thru 91-A-269)	Permit Conditions	AQ	Preziosi	Negotiating before filing.
6/05/95	West Side Unlimited Corp.	Administrative Order	AQ/SW	Kennedy	Negotiating before filing.
6/05/95	Keck, Inc.	Administrative Order	UT	Wornson	Negotiating before filing.
6/06/95	Doolittle Oil Co., Inc.	Administrative Order	UT	Wornson	Negotiating before filing.
6/07/95	Cumberland Ridge Homeowners	Administrative Order	WS	Kennedy	Negotiating before filing.
6/09/95	Don Peterson d/b/a Peterson Backhoe	Administrative Order	AQ	Preziosi	Negotiating before filing.
6/12/95	North Brady Animal Hospital	Permit Denial	AQ	Preziosi	Settled.
6/14/95	Salsbury Chemicals	Permit Conditions	WW	Hansen	Negotiating before filing.
6/16/95	Allison-Bristow Community School	Administrative Order	AQ	Preziosi	Negotiating before filing.
6/16/95	Allison Fire Department; City of Allison	Administrative Order	AQ	Preziosi	Negotiating before filing.
6/16/95	Pilot Oil Corporation	Administrative Order	WW/UT	Murphy	Negotiating before filing.
6/20/95	Toledo, City of	Permit Conditions	WW	Hansen	Negotiating before filing.
6/23/95	Leonard C. Page	Administrative Order	SW	Kennedy	Negotiating before filing.
6/29/95	White Oaks Homeowners Assn.	Administrative Order	WS	Hansen	Negotiating before filing.
7/05/95	Boyer Valley Co.	Administrative Order	WW	Hansen	Negotiating before filing.
7/10/95	Donald Krieger	Administrative Order	UT	Wornson	Negotiating before filing.
7/10/95	Gilbert Persinger	Administrative Order	UT	Wornson	Negotiating before filing.
7/13/95	Organic Technologies Corp.	Administrative Order	SW	Kennedy	Settlement pending.
7/27/95	Rinehart Construction d/b/a North Dallas Sanitary Landfill	Administrative Order	WW/SW	Kennedy	Settled.
7/28/95	Harold T. Knott; James C. Knott	Administrative Order	UT	Wornson	Negotiating before filing.
8/01/95	Wilbur McNear d/b/a McNear Oil Co.	Administrative Order	UT	Wornson	Negotiating before filing.
8/02/95	Maple Hills Country Club	Administrative Order	WS	Hansen	Negotiating before filing.
8/18/95	Holiday Mobile Lodge, Inc.	Administrative Order	AQ/SW	Kennedy	Negotiating before filing.
8/18/95	Redmond Enterprises, Inc.	Administrative Order	UT	Wornson	Negotiating settlement.
8/23/95	Kellerton, City of	Administrative Order	WS	Clark	Negotiating before filing.
8/24/95	Shell Rock Products, Inc.	Administrative Order	AQ/SW	Kennedy	Negotiating before filing.
8/24/95	Woden, City of	Administrative Order	WS	Hansen	Negotiating before filing.
8/29/95	Iowa City, City of	Administrative Order	WW	Hansen	Negotiating before filing.
8/31/95	Bosson's Quasky Mart	Administrative Order	WS	Hansen	Negotiating before filing.
9/05/95	Michael Glantz d/b/a AAMCO Transmissions Co.	Administrative Order	WW/HC	Murphy	Hearing set for 11/27/95.
9/06/95	Kraft Foods Inc.; Oscar Mayer Division	Variance Denial	WW	Hansen	Informal meeting held for 10/10/95. Information to be submitted by Kraft to WS section.
9/12/95	Colwell, City of	Administrative Order	WS	Hansen	Negotiating before filing.
9/19/95	Hanlontown, City of	Administrative Order	WS	Clark	Negotiating before filing.
9/20/95	FKI Industries, Inc.; Fairfield Aluminum, Inc.	Administrative Order	WW/HC	Murphy	Negotiating before filing.
10/03/95	DBM, Inc.	Administrative Order	AQ	Preziosi	Sent to DIA.

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10/03/95	Jerry McElmeel d/b/a McElmeel & Sons Const.	Administrative Order	AQ	Preziosi	New case.
10/09/95	E.L. Incorporated	Administrative Order	SW	Kennedy	New case.
10/17/95	Tri-County Bank	Administrative Order	AQ	Preziosi	New case.
10/17/95	Weber Construction, Inc.	Administrative Order	AQ	Preziosi	New case.
10/20/95	Central Community School District	Administrative Order	AQ	Preziosi	New case.

Mr. Stokes presented the routine reports.

Brief discussion followed regarding the Economy Solar hearing and that no decision has been reached in that case yet.

INFORMATIONAL ONLY

FINAL RULE--CHAPTER 112, INFECTIOUS WASTE

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the attached final rule. The final rule requires infectious waste to be treated and requires a permit for the construction or operation of an infectious waste treatment or disposal facility, and for the transportation of infectious waste. Minimum requirements for the storage, treatment, and transportation of infectious waste are also established.

A public hearing was held on May 23, 1995 in the 5th floor conference room of the Wallace Building. Over 40 persons attended the hearing and over 112 comments were received during the hearing and the 30 day comment period following the hearing. A summary of each comment, a discussion of each comment, and the recommended final rule changes are presented in the attached Responsiveness Summary.

A brief summary of the revisions to the final rule resulting from the comments received is given in the preamble of the attached final rule.

**ENVIRONMENTAL PROTECTION COMMISSION [567]
FINAL RULE**

Pursuant to the authority of Iowa Code sections 455B.304, 455B.503, and 455B.504 the Environmental Protection Commission proposes to adopt new Chapter 567-112, "Transportation, Treatment, and Disposal of Infectious Waste," Iowa Administrative Code.

These rules establish regulations required by the above-cited Iowa Code provisions related to the treatment, transportation, and disposal of infectious waste.

A public hearing was held on May 23, 1995 in Des Moines. Over 40 people attended the hearing and over 112 oral and written comments were received at the hearing and during the 30 day comment period following the hearing. Following is a summary of the revisions made to the rule as a result of comments received:

- * The term "treatment" is used in place of "sterilization"
- * Occupational Safety and Health Administration (OSHA) regulations are referenced for the handling of infectious waste
- * Puncture "proof" container was changed to puncture "resistant" container
- * Body parts must be rendered unrecognizable or be packaged in a secure, non-transparent container before being transported off-site.
- * Body parts transported off -site for pathological or medical evaluation are exempt
- * The Federal Hazardous Materials Transportation Regulations are referenced for regulating the transportation of infectious waste.
- * Reusable containers must be disinfected before leaving the treatment facility instead of prior to reuse
- * Transporters of infectious waste must have a permit from the department instead of register with the department. The transporter service is permitted and each power unit identified in the permit.
- * The requirement for containers of infectious waste to have lettering readable at 25 feet is deleted. The containers must be properly identified.
- * The requirement for a treatment permit holder to submit a copy of contingency plans to the county emergency management coordinator has been deleted. The requirement for a transporter to prepare a contingency plan has been deleted that is all ready required by DOT regulations.
- * The department must be notified within 30 days of any change in the ownership, operation or location of any treatment, disposal or transportation equipment instead of facility.

These rules may impact small businesses.

These rules are intended to implement Iowa Code sections 455B.301 to 455B.307 and 455B.501 to 455B.505.

The following rules are proposed.

CHAPTER 112

TRANSPORTATION, TREATMENT, AND DISPOSAL OF INFECTIOUS WASTE

567--112.1(455B) Definitions. As used in this chapter, unless the context otherwise requires:

“Contaminated animal carcasses” means waste including carcasses, body parts, and bedding of animals that were exposed to infectious agents during research, production of biologicals, or testing of pharmaceuticals.

“Contaminated sharps” means all discarded sharp items derived from patient care in medical, research, or industrial facilities including glass vials containing materials defined as infectious, all needles, scalpel blades, and Pasteur pipettes.

“Cultures and stocks of infectious agents” means specimen cultures collected from medical and pathological laboratories, cultures and stocks of infectious agents from research and industrial laboratories, wastes from the production of biological agents, discarded live and attenuated vaccines, and culture dishes and devices used to transfer, inoculate, or mix cultures.

“Human blood and blood products” means human serum, plasma, other blood components, bulk blood, or containerized blood in quantities greater than 20 milliliters.

“Infectious” means containing pathogens with sufficient virulence and quantity so that exposure to an infectious agent by a susceptible host could result in an infectious disease when the infectious agent is improperly treated, stored, transplanted, or disposed.

“Infectious waste” means waste which is infectious including, but not limited to, contaminated sharps, cultures, and stocks of infectious agents, blood and blood products, pathological waste, and contaminated animal carcasses from hospitals or research laboratories.

“Pathological waste” means human tissues and body parts that are removed during surgery or autopsy.

567--112.2(455B) Treatment and disposal.

112.2(1) Disposal. All infectious wastes, other than those generated by a single household, must be disposed of by one of the following two procedures:

- a. They must be reduced to mineral and carbon ash in a permitted incinerator, or
- b. They must be rendered non-infectious by a treatment process and disposed of in a permitted sanitary landfill.

112.2(2) Treatment. Any one that treats, transports, or disposes of infectious waste must comply with applicable Occupational Safety and Health Administration (OSHA) Regulations of 29 CFR, Section 1910.1030 in addition to the following:

a. Infectious waste materials may be treated by any commercially available treatment process including, but not limited to, heat treatment, radiation, chemical treatment, or combinations of such appropriate methods.

b. Any person electing to treat infectious wastes as prescribed in this subrule must obtain certification from the manufacturer or provider of the product, device, or process that it is capable of treating the wastes so they will no longer be infectious. Any limitations, exclusions, or operational qualifications the manufacturer or provider places on that certification must be made known to the operators.

c. In addition to the treatment specified by this subrule, contaminated sharps shall be stored and transported to the disposal site in a rigid puncture-resistant container, or be ground into small pieces that preclude accidental puncture.

d. Any human body parts must be rendered unrecognizable or be packaged in a secure, non-transparent container, before they are transported off site for treatment and disposal. Body parts being transported off-site for pathological analysis or medical evaluation prior to final treatment or disposal are exempt from this paragraph.

567--112.3(455B) Storage and transportation. Generators, treaters, transporters and disposers must comply with all applicable rules of the Iowa department of public health and applicable Federal Hazardous Materials Transportation Regulations of 49 CFR, Parts 100-177 and 178 in addition to the following:

112.3(1) Storage.

- a. Infectious wastes must be segregated from other waste at the point of origin.
- b. Infectious wastes stored at the generating facility must be in a container that will prevent access by precipitation, animals, or insects.
- c. Infectious waste containers must be effectively secured from access by unauthorized persons.
- d. Containers for infectious waste must be clearly labeled identifying the nature of the contents. Permitted treatment facilities must provide separate containers for untreated and treated wastes and each must be accordingly labeled.
- e. Reusable containers exposed to direct contact with infectious waste must be disinfected for reuse prior to leaving the treatment facility.

112.3(2) Transportation.

- a. Infectious wastes transported from a point of origin within Iowa or to a treatment facility within Iowa must be transported by a hauler permitted with the department of natural resources. When the hauler is someone other than the generator, the generator is responsible for verifying that the hauler has a current, valid transporter permit.
- b. The container on the conveyance used to transport infectious wastes must be fully enclosed and leakproof. If the conveyance is also used to haul wastes which are not infectious, the container used for infectious wastes must be separate and shall not be used for any other purpose. The container for infectious waste must be labeled in a manner that identifies the nature of the contents.
- c. Infectious wastes that have been treated in a permitted treatment facility may be transported to the point of final disposal by any hauler of solid waste. Treated wastes not exempted by IAC 567--102.15(2)"d" must be clearly identified as treated infectious waste to enable the operator at the receiving facility to identify such wastes.

567--112.4(455B) Permitting and registration requirements.

112.4(1) Permits required.

- a. No person shall install, construct or operate an infectious waste treatment or disposal facility without a permit from the department of natural resources with the exception that infectious waste generated at a medical clinic, doctor's office, nursing care facility, health care facility, dentists office or other similar facility may be treated on site without a permit if the treatment device does not discharge any liquids or air emissions.
- b. The department will not grant a permit for an infectious waste treatment or disposal facility unless a comprehensive plan that complies with Appendix E of the department document entitled "Guidance for Solid Waste Comprehensive Plans, Part I: "Solid waste Management Alternatives" September 1990, as revised October 15, 1992, has been filed with the department. An update or revision of the comprehensive plan must be submitted each time a permit renewal or amendment is requested.

c. The department will not grant a permit for the construction or operation of a commercial infectious waste treatment or disposal facility within one mile of a site or building which has been placed on the national register of historic places. This restriction does not apply to hospitals, health care facilities licensed pursuant to Iowa Code chapter 135C, physicians' offices or clinics and other health-service related entities. A statement certifying compliance with this paragraph will be required with each initial application for a permit.

d. Application for a treatment or disposal permit shall be made on forms provided by the department. Requirements for obtaining a permit include:

(1) Complete specifications listing the capacity and the performance standard of the device or process, preferably in the form of the manufacturer's shop drawings or data sheets.

(2) An operator's manual providing detailed instructions, including safety procedures, must be provided by the supplier or prepared by the applicant and must be readily available to the operator at all times.

(3) A contingency plan detailing the procedures and precautions to be followed in the case of emergency or malfunction must be prepared. One copy must be readily available to the operator at all times. If the treatment facility is located on the site of a generator of infectious waste or on a site where other activities are carried out under the direction of a common manager, one copy of the contingency plan must be retained by that manager.

(4) A map showing the location of the proposed facility and all structures or public facilities within one-fourth of a mile of the facility must be included with the application.

(5) An application for an incinerator, or any other technology which may result in the emission of air contaminants to the outside atmosphere, must be accompanied by concurrent application or applications for air pollution control permit(s) required pursuant to 567--Chapter 22.

112.4(2) *Transporter permit required.*

a. Any person transporting infectious wastes from a point of origin within Iowa or to a treatment facility within Iowa must obtain a transportation permit from the department. An application form with the following information, at a minimum, must be submitted to the department for a permit:

(1) The name, business address and telephone number of the transporter.

(2) The year, make and model of each vehicle.

(3) The license plate number of each power unit, the state of registration, and the vehicle identification number.

(4) The signature of the person legally responsible for the operation of the transportation service.

b. The provisions of subparagraph 112.4(4)"a" shall not apply to doctors, nurses, blood donor staff or other similar health care providers that have the occasion to transport blood, blood products, contaminated sharps and other infectious waste materials during the course of their normal duties even though the materials are otherwise subject to these rules.

567-112.5(455B) Operating limitations.

112.5(1) Permits for treatment and disposal facilities may be issued for a period of not less than one year nor more than ten years.

112.5(2) The permit for an infectious waste transporter is nontransferable and shall remain valid for the period the service is provided. Any replacement vehicle must be added to the permit prior to the start of its use and any vehicles taken out of service deleted from the permit.

112.5(3) Treatment and disposal facilities must be operated in compliance with all conditions listed in the permit, including all record-keeping, monitoring and reporting requirements, if any are included.

112.5(4) The department may modify or amend any permit if it determines that a revision is appropriate or necessary to protect the public health.

112.5(5) The department may revoke any permit for cause. Such cause will include, but not be limited to, failure to comply with any permit condition or evidence that continued operation of the facility may pose a threat to the public health.

112.5(6) The department shall be notified within thirty 30 days of any change in the ownership, operation or physical location of any treatment, disposal or transportation equipment.

112.5(7) The department shall be notified within thirty 30 days of any replacement, alteration, expansion or any material change in operation of the facility.

112.5(8) The holder of a treatment or disposal permit must submit an application for renewal of a permit not less than 90 days prior to the expiration date.

112.5(9) Any person treating, disposing or transporting Infectious waste pursuant to this chapter must comply with all other applicable federal, state and local regulations and requirements.

These rules are intended to implement Iowa Code sections 455B.301 through 455B.307 and 455B.501 to 455B.505.

DATE

LARRY J. WILSON, DIRECTOR

(A copy of the Responsiveness Summary is on file in the department's Records Center)

Mr. Stokes provided background on the rules noting that the issue originally came up in 1990 when the legislature imposed a moratorium on the construction of large scale incinerators proposed at that time. Subsequently, some of the facilities switched from proposed incinerators to an autoclave type system and the legislature then extended the moratorium to apply to all commercial medical waste treatment facilities. Later, some members of the legislature decided it was time for the department to move on with the task they mandated, which was to propose rules to the Commission. Mr. Stokes reviewed that, in 1989, there was a great deal of concern about air toxic emissions and the Commission then asked the department to work with a task force of interested parties to develop air toxic rules specific to the state. In 1990, the department along with the task force proposed rules to the Commission. In the meantime, EPA came out with rules to address emissions from air toxics and the Commission chose not to adopt the department rules at that time because of the stringency rule. Since then, the department has been operating under the stringency clause and with the direction of the Commission.

Kathryn Draeger asked if the air quality emissions regulations have been set by EPA.

Mr. Stokes stated that in February, EPA proposed regulations that would deal with air emissions from medical waste treatment facilities, but there has been little action by EPA on those regulations. He related that EPA has received significant public comments on the regulations and have indicated that they will be significantly different from the original proposal. Staff has been told that EPA may not have revised rules out until April of 1996. He added that EPA is under a court mandate to have the rules out by April 1996.

Discussion followed in regard to the Commission adopting the proposed departmental rules. Mr. Stokes discussed the three categories which most of the public comments fell under.

Kathryn Draeger asked about portions of the Code referred to by Dr. Steve Rector during public participation.

Mike Murphy explained that there is confusion on two different moratoriums in the Code noting that 455B.503 addresses the moratorium on commercial infectious waste treatment or disposal facilities and also mandates the adoption of rules by January 15, 1994. He added that the rules specified in that provision do not call for specific emission standards. He stated that a moratorium in 455B.151 relates to commercial waste incinerators and is not pertinent to this rulemaking. He expanded on wastes as defined in that section of the Code.

Mr. Stokes commented that the department's air regulations would address hazardous air pollutants but not cover the specifics of dioxins and furans. He stated that options the Commission could take would be to wait to see the EPA rules in April 1996, adopt something in a limited segment, or adopt the rules being presented today.

William Ehm asked if there is any advantage in not adopting the rules now.

Mr. Stokes reiterated that the legislative mandate states that the department must propose rules to the Commission by January 15, 1994. He related that the department has done that by proceeding through the rulemaking process before the Commission, and there is nothing in the statute that would limit the Commission's decision making power to either accept, reject, or remand the rules back to the department.

Verlon Britt asked about the status of the application for an incinerator at Eldon.

Mr. Stokes stated that the application was withdrawn because the department could not issue a permit for them and they have not submitted another application.

Terrance Townsend stated that he is in favor of a continued moratorium on the incinerator until EPA adopts rules.

Mr. Stokes stated that the Commission could adopt rules except for the incineration segment, but it would not be adopting the rules before the Commission. The rules would need to be reworked as they now address the broad range of medical waste treatment.

Motion was made by William Ehm to remand the rules back to staff for further review of the emissions portion of the rules. Seconded by Kathryn Draeger.

Terrance Townsend suggested also reviewing the portions of the rule where comments were presented earlier today dealing with out-of-state transportation permitting and also with the storage regulations.

Kathryn Draeger stated that it may be beneficial to compare with other states rules to see how they are addressing the issue.

Mr. Stokes stated that staff will do an analysis/survey of other states information and have it ready whenever the rules are brought back to the Commission.

Motion carried unanimously.

REMANDED TO STAFF FOR FURTHER REVIEW

NONPOINT SOURCE POLLUTION CONTROL PROJECT CONTRACT

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Commission approval is requested for a two year, \$50,000 contract with the Iowa State University Extension Service (ISUE) for the development and implementation of an education program on sustainable weed and nutrient management practices and strategies. The contract will be funded using EPA Section 319 nonpoint pollution control funds awarded to the Department for this project.

The project will involve the development of resource materials on sustainable weed and nutrient management strategies and will provide training on those strategies for local ISUE, IDALS-DSC and NRCS staff. Agriculture professionals providing the training will include farmers using alternative weed and nutrient practices. Under this "train-the-trainer" approach, trained local staff will then be available to inform and educate farmers, agribusiness service providers, consultants, special water quality project personnel and others on alternative weed and nutrient management strategies. Alternative weed and nutrient management programs will result in positive environmental impacts, including reduced surface water and groundwater contamination from non-point sources.

Contract funds will be used for development of the resource materials and for instructor compensation and support. Funds from other sources will also be used to support the project.

Mr. Stokes reviewed the details of the contract.

Discussion took place in regard to mowing and use of chemicals.

Kathryn Draeger asked about the selection criteria for Section 319 funding.

Mr. Stokes stated that the department makes application for these funds on an annual basis and then sends out RFP's for projects. He noted that the RFP's tend to target governmental or quasi-governmental entities. The applications are reviewed by a team of representatives from various departments.

Motion was made by Charlotte Mohr to approve the Nonpoint Source Pollution Control Project Contract with ISU Extension Service in the amount of \$50,000. Seconded by William Ehm. Motion carried unanimously.

APPROVED AS PRESENTED

1995-96 SMALL BUSINESS ASSISTANCE PROGRAM CONTRACT WITH UNI

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the entering into a contract with the Iowa Waste Reduction Center, University of Northern Iowa, to provide small businesses with technical assistance related air pollution control. This contractual agreement stipulates the objectives and work schedule that the Iowa Air Emissions Assistance Program (IAEAP), University of Northern Iowa, has agreed to fulfill October 1, 1995 through June 1, 1996.

IAEAP was developed in response to the 1990 Clean Air Act Amendments mandate that each state government provide assistance to small businesses in order to fulfill requirements pursuant to Section 507 (Small business stationary source technical and environmental compliance assistance program) of the 1990 Clean Air Act Amendments. This contract represents the fourth year that the Department of Natural Resources (DNR) has provided support for the IAEAP and its activities.

The agreement amount is \$232,500 for nine months. The contract was increased from the previous year to allow IAEAP to add more staff to assist a larger number of small businesses and to cover increased program operational costs. The period of nine months is specified in the contract in order to shift the contract term away from the Federal Fiscal Year time frame (as in the previous contracts) to coincide with the State Fiscal Year period for future contracts.

Mr. Stokes briefly reviewed the contract.

Motion was made by Verlon Britt to approve the 1995-96 Small Business Assistance Program Contract with UNI in the amount of \$232,500. Seconded by Terrance Townsend. Motion carried unanimously.

Chairperson King asked for copies of reports on some of the projects that have been funded in the past.

Mr. Stokes indicated that reports are submitted to the department and staff will prepare a summary of the projects and mail it to the Commissioners.

APPROVED AS PRESENTED

INTERAGENCY AGREEMENT FOR THE SMALL BUSINESS OMBUDSMAN PROGRAM

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the department entering into an interagency agreement with the Office of Citizens' Aide/Ombudsman for the State of Iowa. This agreement sets forth each agency's role in the small business assistance program which is part of the Title V operating permit program mandated by the Clean Air Act Amendments of 1990.

The duties of the Ombudsman for Small Business Stationary Sources include receiving and investigating complaints and questions from small businesses about air pollution control regulations; providing information about available technical and financial services for small businesses related to air pollution control; and facilitating and promoting the participation of small businesses in developing and implementing regulations that impact small businesses.

The agreement is for the period of October 1, 1995 through June 30, 1996. The agreement establishes three equal payments from the air contaminant fund, totaling \$55,875.

Mr. Stokes gave a detailed explanation of the agreement.

Motion was made by Gary Priebe to approve the Interagency Agreement for the Small Business Ombudsman Program Relating to the Clean Air Act. Seconded by Verlon Britt. Motion carried unanimously.

APPROVED AS PRESENTED

INTERAGENCY AGREEMENT FOR POLK COUNTY AIR POLLUTION CONTROL PROGRAM

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the department entering into an interagency agreement with the Polk County Board of Supervisors. This agreement sets forth each agency's role in the ongoing implementation of the Polk County air quality construction permitting program and the Title V operating permit program mandated by the Clean Air Act Amendments of 1990.

The duties of the Polk County Air Pollution Control staff include reviewing applications and issuing permits for the construction of new air pollution sources, monitoring ambient air quality, performing inspections; and reviewing and drafting final Title V operating permits.

The agreement is for the period of October 1, 1995 through June 30, 1996. The agreement establishes three equal payments from the air contaminant fund, totaling \$290,640.

Mr. Stokes reviewed details of the agreement.

Gary Priebe asked if this is the group that also issues permits.

Mr. Stokes replied that they issue construction permits, operate the air monitoring system, conduct inspections, and under Title V will draft the permits and send to DNR for review and issuance.

Motion was made by Charlotte Mohr to approve the Interagency Agreement with Polk County for their Air Pollution Control Program. Seconded by Verlon Britt. Motion carried unanimously.

APPROVED AS PRESENTED

INTERAGENCY AGREEMENT FOR LINN COUNTY AIR POLLUTION CONTROL PROGRAM

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the department entering into an interagency agreement with the Linn County Board of Health. This agreement sets forth each agency's role in the ongoing implementation of the Linn County air quality construction permitting program and the Title V operating permit program mandated by the Clean Air Act Amendments of 1990.

The duties of the Linn County Air Pollution Control staff include reviewing applications and issuing permits for the construction of new air pollution sources, monitoring ambient air quality, performing inspections; and reviewing and drafting final Title V operating permits.

The agreement is for the period of October 1, 1995 through June 30, 1996. The agreement establishes three equal payments from the air contaminant fund, totaling \$126,375.

Mr. Stokes reviewed details of the agreement noting that there is an increase in the amount of their program due to the need for an additional engineer.

Motion was made by Charlotte Mohr to approve the Interagency Agreement with Linn County for their Air Pollution Control Program. Seconded by Terrance Townsend. Motion carried unanimously.

APPROVED AS PRESENTED

CONTRACT - JACOB'S ENGINEERING FOR AIR CONSTRUCTION PERMIT REVIEW

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

On July 17, 1995, the Commission approved the Department entering into a contract with Jacob's Engineering for assistance in issuance of air construction permits. The terms of the contract are for review of up to 200 permit applications, with provisions for renewal, for a cost not to exceed \$96,000.

The contract states that the Department has the option of renewal under the terms of the contract which include increasing the reviews to not more than 1000 permit applications. Jacob's Engineering is approaching the 200 permit application review level. The department has a backlog of permit applications.

The Commission will be asked to approve for renewal of the contract to the 1000 application level with a proportional increase in costs to \$480,000.

Mr. Stokes reviewed details of the contract and noted that Jacob's has processed 200 permits and are doing a fine job. He asked that the contract be extended to 1,000 permits and the costs increased accordingly.

Discussion followed regarding costs for issuing the permits and the time it takes to complete them.

Motion was made by Terrance Townsend to approve the contract with Jacob's Engineering for Air Construction Permit Review at a total cost up to \$480,000. Seconded by Verlon Britt. Motion carried unanimously.

APPROVED AS PRESENTED

STATE REVOLVING FUND INTENDED USE PLAN - FY 1996

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be provided the proposed Intended Use Plan for FY 1996. Applications have been received and the projects have been placed in priority order.

While Congress has not appropriated funds for this program yet, the department believes that they will. In order to be in a position to make loans when the funds are appropriated, the department is proposing a list of projects to be funded based on last year's allocation. The proposed list of projects on the Intended Use Plan may need to be modified when the appropriation is made by Congress.

Mr. Stokes reviewed the Intended Use Plan. He noted that he distributed a fact sheet to each Commissioner which outlines three different scenarios for total funds available and possible projects for funding under each scenario. Also presented was a draft notice of public meeting. He related that communities are chosen for funding on a first-come, first-served basis.

Brief discussion followed.

INFORMATIONAL ONLY

NOTICE OF INTENDED ACTION--CHAPTER 61, WATER QUALITY STANDARDS, CORPS NATIONWIDE PERMIT FOR SINGLE FAMILY HOUSING

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The commission will be asked to approve the attached Notice of Intended Action which would initiate rule making to grant Section 401 water quality certification for a new Corps Section 404 nationwide permit authorizing the construction of single family homes in jurisdictional waters. Section 401 water quality certification is a state water quality agency's certification that a proposed activity will not violate state water quality standards.

The nationwide permit in question became effective on September 25, 1995, subject to Section 401 certification by the individual states. The nationwide permit as published by the Corps

would authorize the discharge of dredged or fill material into non-tidal waters of the United States, including non-tidal wetlands, for the construction or expansion of single family homes and attendant features (such as garages, storage sheds, and septic facilities). In general, the nationwide permit provides that construction can only impact ½ acre or less, practicable actions must be taken to minimize impacts, the home must be for a personal residence, and the nationwide permit can only be used once per parcel.

The action being proposed would grant Section 401 certification for this nationwide permit and the nationwide permit would become effective for Iowa as of the effective date of the approved rule amendment.

ENVIRONMENTAL PROTECTION COMMISSION [567]
Notice of Intended Action

Pursuant to the authority of Iowa Code sections 455B.105 and 455B.173, the Environmental Protection Commission gives notice of intended action to amend Chapter 61, "Water Quality Standards," Iowa Administrative Code. The proposed amendment would provide water quality certification pursuant to Section 401 of the federal Clean Water Act (33 U.S.C. section 1341) for a nationwide Section 404 permit authorizing the construction of single family homes in jurisdictional waters.

Section 404 of the federal Clean Water Act requires a permit from the U.S. Army Corps of Engineers for the discharge of dredged or fill materials into the nation's waters. Section 401 of the Act requires that before the Corps can issue a Section 404 permit, the state water quality agency must certify that the proposed activity will not violate state water quality standards.

Section 404 authorizes the Corps to issue general permits on a State, regional, or nationwide basis for categories of activities where such activities will have minimal adverse effects. General permits can be issued for a period not exceeding five years and the state water quality agency must provide Section 401 certification for a general permit before the general permit is valid for that state. The Commission has previously provided Section 401 certification for 26 nationwide and four regional permits.

The proposed action would provide Section 401 certification for one additional nationwide permit. The nationwide permit in question became effective on September 25, 1995, subject to Section 401 certification by the individual states, and authorizes the construction or expansion of single family homes and attendant features (such as garages, storage sheds, and septic facilities) in non-tidal waters (including wetlands). In general, the nationwide permit provides that construction can only impact ½ acre or less, practicable actions must be taken to minimize impacts, the home must be for a personal residence, and the nationwide permit authorization can only be used once per parcel. A copy of the nationwide permit is on file with the Administrative Rules Coordinator and can be obtained from the Department of Natural Resources. The Commission concurs that the activities authorized by the single family home nationwide permit would have minimal adverse impacts. This proposed action will not modify existing, substantive

water quality standards, but is intended to define the applicability of existing standards to the Corps nationwide permits.

Any interested person may file written comments on the proposed amendment through January 20, 1995. Written comments should be directed to Ralph Turkle, Department of Natural Resources, 900 East Grand Avenue, Des Moines, Iowa 50319-0034 (FAX 515-281-8895). Questions on the proposed amendment or the nationwide permit should also be directed to Mr. Turkle (515-281-7025).

This rule is intended to implement Iowa Code chapter 455B, Division III, Part 1.

It is proposed that paragraph 61.2(2)“h” be amended to read as follows:

h. This policy shall be applied in conjunction with water quality certification review pursuant to Section 401 of the Act. In the event that activities are specifically exempted from flood plain development permits or any other permits issued by this department in 567--Chapters 70, 71, and 72, the activity will be considered consistent with this policy. Other activities not otherwise exempted will be subject to 567--Chapters 70, 71, and 72 and this policy. The repair and maintenance of a drainage district ditch as defined in 567--70.2 (455B, 481A) will not be considered a violation of the anti-degradation policy for the purpose of implementing Title IV of these rules. United States Army Corps of Engineers (Corps) nationwide permits, 33 CFR 330, Numbers 3, 4, 5, 6, 7, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 25, 26, 27, 32, 33, 34, 36, 37, 38, and 40, as promulgated November 22, 1991, and the nationwide permit for single family homes promulgated September 25, 1995, are certified pursuant to Section 401 of the Clean Water Act. Regional permit numbers 2, 7, 12, and 20 of the Rock Island District of the Corps are also certified. No specific Corps permit or 401 certification is required for activities covered by these permits unless required by the nationwide permit or the Corps, and the activities are allowed subject to the terms of the nationwide and regional permits.

Mr. Stokes briefly reviewed the proposed rules.

Charlotte Mohr asked if the written comment deadline at the bottom of Page 1 should be January 20, 1996, rather than 1995.

Mr. Stokes affirmed that it should be 1996.

Motion was made by Kathryn Draeger to approve Notice of Intended Action--Chapter 61, Water Quality Standards, Corps Nationwide Permit for Single Family Housing. Seconded by William Ehm. Motion carried unanimously.

APPROVED AS PRESENTED

FINAL RULE--CHAPTER 47, GRANTS TO COUNTIES

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to adopt the attached Chapter 47 rules concerning grants for counties. Changes to the rules establish a program for private water well rehabilitation, and combine private water well testing, rehabilitation, and closure into a single grant, effective in State Fiscal Year 1997. The proposed rules implement action of the 1995 Legislature (Senate File 215).

The rules amend current rules for county grants to include:

- Revising language to allow for a county applying for grants under the Agricultural Management Account program (455E.11, subsection 2) to submit a single grant application.
- Creating a definition of and a program for administration of grants for rehabilitation of private water wells.
- Grammatical and minor technical corrections necessary since the grant program onset (1989).
- Allowing cisterns in need of closure to be eligible for reimbursement under the private abandoned well closure grant program.
-

During each fiscal year, the amount granted each eligible applicant is the total funds available divided by the number of eligible counties. Upon receipt of the grant, the county may apply funds to any one or more of the above three programs.

These rules were prepared in consultation with the Iowa Department of Health, the Iowa Environmental Health Association, and the Iowa Water Well Association. One hearing was held on these proposed rules. No oral comments were received; five written comments from 1 individual were received. Changes were made arising from the public comment period. The two changes were to clarify the proposed definition for "well sealing" and explicitly state with examples which wells are not eligible for rehabilitation grant money.

ENVIRONMENTAL PROTECTION COMMISSION (567)
Adopted and Filed

Pursuant to the authority of Iowa Code section 455E.211, the Environmental Protection Commission for the Department of Natural Resources hereby rescinds Chapter 47, "Private Well Sampling and Closure---Grants to Counties," and adopts a new Chapter 47, "Private Well Sampling, Rehabilitation, and Closure---Grants to Counties," Iowa Administrative Code.

The rule amendments are intended to implement 1995 Iowa Acts, Senate File 215 pertaining to the establishment of a program for private water well rehabilitation, and combining private water well testing, rehabilitation, and closure into a single grant, effective in state fiscal year 1997.

The rules allow for a county applying for grants under the Agricultural Management Account program pursuant to Iowa Code section 455E.11(2)"b"(3)(b) to submit a single grant application. The rules allow cisterns in need of closure to be eligible for reimbursement under the private abandoned well closure grant program, and also make grammatical and minor technical corrections necessary since the grant program began in 1989.

The rules further reflect the Iowa Legislature's intent that the amount granted each eligible applicant in a state fiscal year be the total funds available divided by the number of eligible counties applying. Counties may now apply funds up to a maximum amount at their discretion to any combination of the private water well testing, rehabilitation, and closure programs.

These rules were written in consultation with the Iowa Department of Public Health, the Iowa Environmental Health Association, and the Iowa Water Well Association. A meeting with representatives of these groups took place June 12, 1995.

One hearing was held on these proposed rules. No oral comments were received; five written comments from 1 individual were received. Changes were made arising from the public comment period. The two changes were to clarify the proposed definition for "well sealing" and explicitly state with examples which wells are not eligible for rehabilitation grant money.

These rules may have an impact on small business.

These rules are intended to implement Iowa Code chapter 455E.

The following rule amendments are adopted.

Rescind 567--Chapter 47 and replace with a new Chapter 47 as follows:

CHAPTER 47
PRIVATE WELL SAMPLING, REHABILITATION, AND CLOSURE---GRANTS TO
COUNTIES

567--47.1(455B) Purpose. The purpose of this chapter is to implement Iowa Code section 455B.172(5) for making grants to counties to administer programs for (1) the testing of private water supply wells , (2) the sealing (rehabilitation) of private water supply wells, and (3) the proper closure of private, abandoned wells (including cisterns) within the jurisdiction of the county.

567--47.2(455B) Funds. Moneys for these grants are derived from a percentage of the agriculture management account of the groundwater protection fund as specified in Iowa Code section 455E.11(2)"b"(3)(b). Moneys in the agriculture management account are dependent on funds derived from Iowa Code sections 200.8(4), 206.8(2), and 206.12(3). During each fiscal year, the amount granted each eligible county or multi-county applicant shall be the total funds available divided by the number of eligible counties which apply and qualify. Upon receipt of

the grant, the county may apply the funds at the county's discretion to any one or more of the following three programs: private water supply testing, private water supply sealing (rehabilitation), and the closure of private abandoned wells (including cisterns).

567--47.3 (455B) Applicability. These rules apply to all grant requests to the department in accordance with Iowa Code section 455B.172(5).

567--47.4(455B) Eligibility. Grant applications must be submitted by a county board of supervisors. Only counties which have adopted standards for private water supply and private sewage disposal facilities (on-site wastewater treatment systems) at least as stringent and consistent with the standards adopted by the commission and demonstrate an effort to enforce such standards will be eligible for receiving grant funds or for participating in a multi-county grant program. A county is eligible to submit only one application, either as an individual applicant or as a member of a multi-county application.

567--475(455B) Definitions.

"Abandoned well" means a water well which is no longer in use or which is in such a state of disrepair that continued use for the purpose of accessing groundwater is unsafe or impractical.

"Certified laboratory" means a laboratory certified by the department to conduct analytical measurements on specified drinking water contaminants certified in accordance with 567--42.1(3) pertaining to water supplies.

"Cistern" means an artificial reservoir or tank constructed underground in which rainwater is stored.

"Closure," "closing" or "close" means the proper plugging of an abandoned well to permanently seal the well from contamination by surface drainage or contamination of an aquifer, in such a manner that vertical movement of water within the well bore and within the annular space surrounding the casing is permanently prevented.

"Commission" means the environmental protection commission created under Iowa Code section 455A.6.

"County board of supervisors" means the board of supervisors of a county as established in accordance with Iowa Code section 331.201.

"Department" means the department of natural resources created under Iowa Code section 455A.2.

"Private water supply" means any water supply for human consumption which has fewer than 15 service connections and regularly serves fewer than 25 individuals daily at least 60 days out of the year.

"Total funds available" means the sum of the pesticide/fertilizer taxes allocated within Iowa Code section 455E.11(2)"b" (agricultural management account), within a specific state fiscal year, plus any carryover funds remaining from the previous fiscal year, which are returned to the Section 455E.11, subsection 2 (agricultural management account) grants to counties fund.

"Water well" means an excavation that is drilled, cored, bored, augered, washed, driven, dug, jetted, or otherwise constructed for accessing groundwater. Water well does not include an open ditch or drain tiles.

"Well sealing" means any method of repair undertaken to rehabilitate an existing water well so that the mechanism of groundwater access is sealed to prevent contamination of the aquifer.

Alterations may include re-casing, installation of liner pipe, installation of packers or well caps, and other unspecified material change in construction such that the rehabilitation brings that portion of the well into compliance with 567--Chapter 49 private water well construction standards. Alterations may not include well redrilling, well deepening, well redevelopment, shock chlorination of the well, or installation of new valves to the well and appurtenances.

47.6 to 47.15 Reserved.

567--47.16(455B) Goal and objectives.

47.16(1) The goal of the program is to assist in testing all private water supply wells and to use the test information to improve the quality of water in these supplies; to assist in sealing (rehabilitating) eligible private wells, and to assist in closing all private, abandoned wells (including cisterns).

47.16(2) Specific program objectives for each county

"a" The specific objectives of the well testing program are:

(1) Provide for regular and periodic testing of private water supply wells using proper sampling, handling and analytical techniques.

(2) Provide for timely responses and corrective action in instances of contamination of private water supply wells.

(3) Establish a reliable and accurate data base of information on the location and construction of private water supply wells, and water quality of private water supply wells.

(4) Provide individual or multi-counties with assistance in meeting the above objectives.

"b" The specific objectives of the well sealing (rehabilitation) program are:

(1) To identify all private wells eligible for sealing cost assistance and administer private well rehabilitation programs.

(2) To ensure the proper rehabilitation of all eligible private wells.

(3) To provide cost-sharing grants of up to \$600 per well to owners to assist in the costs of properly sealing (rehabilitating) private wells.

"c" The specific objectives of the private, abandoned well closure program are:

(1) To identify all private, abandoned wells and administer private, abandoned well closure programs.

(2) To assist counties in developing private, abandoned well closure plans in accordance with administrative rules relating to the priority order and the proper closure of private, abandoned wells (including cisterns).

(3) To ensure the proper closure of all private, abandoned wells (including cisterns).

(4) To provide cost-sharing grants of up to \$200 per well to owners to assist in the costs of properly plugging private, abandoned wells (including cisterns).

567--47.17(455B) Eligible grant costs. Grant funds may be approved for, but are not limited to, the following costs:

47.17(1) Salary, transportation and other associated costs for conducting the private water supply testing program including costs for staff training, sample collection and responding to inquiries related to or resulting from the private well testing program.

47.17(2) Sampling costs including sample collection equipment, sample handling, transport, and the analytical services and analytical reporting by a certified laboratory. At a minimum,

well sampling shall include analyses for total nitrate (including nitrite) and total coliform bacteria.

47.17(3) Conducting environmental health and public information programs related to the private water supply testing program.

47.17(4) Costs of developing county or multi-county private well rehabilitation programs and abandoned well closure programs.

47.17(5) Costs of systematically identifying all private wells (including all abandoned wells) within the program area jurisdiction and maintaining a data base inventory system.

47.17(6) Costs of administering a private well rehabilitation and a private, abandoned well closure program.

47.17(7) Payment of the costs for properly rehabilitating private wells providing that such payment does not exceed \$600 for each well.

47.17(8) Costs of administering public information programs emphasizing the benefits of the private, abandoned well closure program.

47.17(9) Payment of the costs for properly plugging private, abandoned wells providing that such payment does not exceed \$200 for each well.

47.17(10) Administrative costs maximum. Not more than 25 percent of grant funds may be used for administrative costs.

567--47.18(455B) Ineligible grant costs. Grant funds shall not be used for the following:

47.18(1) Conducting environmental health programs other than those related to the private water supply well testing program.

47.18(2) Conducting private well testing activities prior to or after the grant period specified.

47.18(3) Analytical services performed by other than a certified laboratory.

47.18(4) Sampling and analytical costs for testing public water supply wells.

47.18(5) Cost of laboratory analytical equipment.

47.18(6) Sampling and analytical costs for testing of wells other than private water supply wells. Wells not used for human consumption such as wells used solely for irrigation or livestock watering are ineligible.

47.18(7) Sampling and analytical costs for testing of parameters which have not had either a maximum contaminant level or an EPA health advisory established.

47.18(8) Grant funds shall not be used for the costs of conducting private well sealing (rehabilitation) activities either prior to or after the grant period. Grant funds shall not be used for the costs of conducting private, abandoned well closure activities either prior to or after the grant period. Grant funds shall not be used to rehabilitate a well which does not meet separation distances as established in Chapter 49. Grant money cannot be used for rehabilitation of a well which, in the judgment of the administrative authority, will remain a hazard to groundwater quality.

Grant funds may be used to conduct rehabilitation intended to preclude contamination due to surface water intrusion by coliform or other infectious bacteria. Examples include repairs of casing, well caps, or pitless adapters, and elimination of well pits.

567--47.19(455B) Performance requirements.

The following minimum standards must be met by all grantees:

Each county participating must have the authority to regulate the construction of private wells at least as stringent as and consistent with administrative rules.

47.19(1) Sample collection. Private water supply well samples are to be collected using proper sample collection and handling techniques as specified by the department.

47.19(2) Background information.

a. For each well tested, background information shall be collected and recorded, using departmental Form No. 542-1207. Information recorded on the form shall include: a description of the well including depth, location and construction; an evaluation of factors affecting water supply quality; general sample collection information; and other information needed to provide follow-up to interpret results or respond to inquiries.

b. For each private well which is rehabilitated and for each private, abandoned well (including cisterns), grantees shall maintain the following minimum records:

- (1) The name and address of the private well or private abandoned well owner.
- (2) Private well or abandoned well location to the quarter, quarter section.
- (3) Physical integrity of private wellhead.
- (4) Potential for surface water contamination to enter the private well or abandoned well.
- (5) Distance of private well or abandoned well to an active water supply well.
- (6) Records of dates for rehabilitating private wells or closing private, abandoned wells (including cisterns).
- (7) The name and the license number of the water well contractor conducting the well rehabilitation or the well closure

c. Summary reports for each program shall be submitted to the department upon request. Programs will stress the need for private, abandoned well and cistern closure through public awareness.

47.19(3) Qualified staff. Staff shall be adequately trained or have the necessary experience to collect the background information requested on departmental Form No. 542-1207 for each well tested. Staff must also have sufficient experience or training to provide follow-up functions such as responding to inquiries or interpreting test results.

47.19(4) Laboratory analyses. All analyses must be performed by a laboratory certified by the department in accordance with 567--42.1(3) pertaining to water supplies to perform the analyses being used and shall conform with the following:

a. The total coliform bacteria analyses must be performed using an EPA-approved reference method suitable for producing accurate results considering the conditions of the water being tested.

b. Copies of test results must be retained by the grantee and be provided the owner and user, and to the county board of health of the county in which the well is located. Copies of the test results will be provided to the department upon request.

47.19(5) Follow-up. The grantee will be responsible for follow-up and response to requests from the well owner or well user for assistance relative to well test results, the well-testing program, and satisfactory well construction and location.

47.19(6) Adopted standards. All counties included in the grant application must have adopted standards for private water supplies and private sewage disposal facilities which are at least as stringent as and consistent with the standards adopted by the commission, found in Chapter 567-

-Chapter 49 for nonpublic water wells and 567--Chapter 69 for on-site wastewater treatment and disposal systems.

47.19(7) Monthly reports. Grantees must submit to the department status reports on each activity contained in the work plan within 10 days following the end of each month using departmental Form No. 542-1337.

47.19(8) Quarterly reports. Grantees must submit to the department status reports on each activity contained in the work plan within 30 days following the end of each fiscal quarter using departmental Form No. 542-1208. Each quarter the grantee shall also submit a report summarizing the analytical results and the factors affecting private water supplies.

47.19(9) Final reports. The grantee shall prepare a final report summarizing the findings from the well-testing, well rehabilitation, and well closure programs. The final report shall include (a) a summary of the analytical results as well as any conclusions determined from the testing program having an effect on the quality of private water supplies; (b) a summary of the number of wells properly rehabilitated and the amount of grant funds used for the costs of properly sealing (rehabilitating) private water wells, plus the total costs incurred for well rehabilitation; (c) a summary of the number of wells properly closed and the amount of grant funds used for the costs of properly plugging private, abandoned water wells, plus the total costs incurred for well closure.

567--47.20(455B) Contents of grant application. Information requested on departmental Form No. 542-1204 must be provided to make a completed grant application. The application shall include, but not be limited to:

47.20(1) The name, address, and telephone number of the chairperson of the county board of supervisors. For applications representing more than one county, the applicant is the chairperson of the county board of supervisors of the lead county responsible for administering the grant.

47.20(2) The name of each county or counties represented in the grant application.

47.20(3) A copy of the adopted standards for each county represented in the application.

47.20(4) For multi-county applications, signed Iowa Code chapter 28E agreements between each participating county and the applicant.

47.20(5) If applicable, an identification of any subcontractor who will participate in the private well-testing, private well sealing, or private, abandoned well closure program, including mailing address and telephone number.

47.20(6) The name and address of the certified laboratory(ies) which will be providing analytical services.

47.20(7) A description of the existing program including staffing for regulating private water supplies and private sewage disposal facilities for each county represented in the application.

47.20(8) The names and qualifications of personnel responsible for carrying out the program. If unknown, include a description of experience or training requirements of staff expected to conduct the grant program as well as listing required responsibilities.

47.20(9) A detailed work plan including, but not limited to, the following:

a. A description of any proposed environmental health and public information programs related to the well-testing program;

b. Methods to be used by the applicant for selecting private water supply wells for testing;

c. The number of wells to be tested;

d. The duties to be performed by any subcontractor for any part of the grant;

- e. A description of the follow-up activities to be performed by staff in responding to test results;
 - f. Record keeping and reporting,
 - g. A description of any proposed environmental health and public information programs related to the rehabilitation of private wells or the closure of private, abandoned wells (including cisterns).
 - h. Methods of identifying private wells, including abandoned private wells.
 - i. Methods of record keeping and reporting information on each private well, including private abandoned wells (and cisterns).
 - j. Methods of setting private well rehabilitation priority and private, abandoned well and cistern closure priority based on administrative rules.
 - k. Methods of notifying private well and private, abandoned well owners.
 - l. Estimated number of private wells to be rehabilitated.
 - m. Estimated number of private, abandoned wells (including cisterns) to be closed.
- 47.21 to 47.47 Reserved.

REQUIREMENTS FOR ALL GRANT SUBPROGRAMS

567--47.48(455B) Grant application submission.

47.48(1) Application content. Each application submitted on departmental Form No. 542-1204 must contain sufficient detail to clearly describe how funds will be utilized among the three grant subprograms and how the grant program will be implemented.

47.48(2) Time of submission. At least 30 days prior to the grant application acceptance period, the department will notify each county board of supervisors. Completed applications must be received by the Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034, by the close of business on the last business day of the grant acceptance period. Grant applications for state fiscal years, beginning with 1990, will be accepted from September 1 through the end of October prior to the start of the fiscal year.

47.48(3) Application acceptance. Applications for these grants will be accepted from any eligible county board of supervisors. Only those counties which have adopted standards for private water supply and private sewage disposal facilities, at least as stringent and consistent with the standards adopted by the commission and demonstrate an effort to enforce such standards, will be eligible for receiving any grant funds or for participating in a multi-county grant program.

47.48(4) Adequacy of application. After a preliminary review, the department will notify the applicant if the application is not complete. If adequate time exists, the applicant may submit the required information by the end of October to complete the grant application.

567--47.49(455B) Grant application selection.

47.49(1) Consideration withheld. Upon closure of the grant application period at the end of October, the department will not consider any application which is not complete.

47.49(2) Application notification. Applicants will be notified of the acceptance of their completed application and will be advised of the date on which the commission will act on the applications.

47.49(3) Commission selection. The commission will review the list of completed applications received by the department and will act on them for funding. Successful grant applications will be notified of the commission decision and will be issued a grant agreement. All grant applications not approved for funding will be returned to the applicant. All applicants, regardless if successful or not, must reapply in future years if they are to be considered for a future grant.

567--47.50(455B) Multi-county grant applications. Two or more counties may join together to apply for a grant. However, for the purposes of multi-county grant programs, the department will accept only one application from the counties involved. The application is to identify the lead county responsible for administering the grant. For multi-county programs, the department will make one grant to the lead county and not to each individual participating county.

567--47.51(455B) Grant period. Grants will be awarded to successful applicants on an annual basis concurrent with the state fiscal year beginning on July 1 and ending on June 30 of the following calendar year.

567--47.52(455B) Grant agreement. Following commission approval, the department will issue the grantee a grant agreement stipulating specific terms of the grant award.

567--47.53(455B) Timely commencement. Grantees will be expected to commence work plan activities in an expeditious manner. Failure of the grantee to meet the schedule contained in the work plan may be cause for the department to terminate the grant.

567--47.54(455B) Payment.

47.54(1) Grant amount. The grantee will be eligible to receive a sum up to the amount specified in the grant agreement.

47.54(2) Billing periods. The grantee is eligible for a prepayment (up to 25 percent) of the grant amount for approved eligible costs to initiate work as described in the work plan. This amount will be a part of the grant agreement. Normal billing periods will coincide with the quarterly reporting periods.

567--47.55(455B) Record keeping and retention. A grantee shall retain all records and supporting documents related to the administration of the grant for a period of three years. Representatives of the state auditor's office and the department or the department's designee shall have access to all files, accounts and documents pertaining to the grant.

567--47.56(455B) Grant amendments. Grant agreements which have been approved may be amended, if funds are available, to increase or decrease the program scope or to increase or decrease the program costs. Changes must be well documented and be approved by the department prior to their beginning.

567--47.57(455B) Termination or forfeiture of grant funds.

47.57(1) The grant will be forfeited if the grant was obtained by fraud or misrepresentation regardless of whether grant moneys have already been given to the grantee. Any grant money received or spent shall be repaid to the department.

47.57(2) If the department determines that activities agreed upon in the grant agreement have not been satisfactorily completed, forfeiture of a portion of or the entire grant may result.

47.57(3) The continuation or renewal of a grant shall be contingent upon the county's acceptable performance in carrying out its responsibilities described in the work plan and of meeting the grant program goals and objectives. All grants will be issued for not more than a period of one year concurrent with a state fiscal year. Applicants must reapply to continue or renew any grant within the specified grant application acceptance period. The department may, subject to the approval of the commission, deny awarding of a grant extension or withdraw a grant if it is determined that the county has not carried out the grant responsibilities.

These rules are intended to implement Iowa Code section 455B.172(5).

Chapter 48, Reserved

Date

Larry J. Wilson, Director

(A copy of the Responsiveness Summary is on file in the department's Records Center)

Mr. Stokes briefly explained the rules.

Gary Priebe asked if the \$600 would be for fixing a well.

Mr. Stokes noted that \$200 could be provided for closing a well and \$600 provided for rehabilitating it.

Motion was made by Charlotte Mohr to approve Final Rule--Chapter 47, Grants to Counties. Seconded by Gary Priebe.

Rozanne King asked if the third sentence under 47.18(8), on the last page of the responsiveness summary, should be stricken. She noted that it appears several lines should be stricken and were not.

Mr. Stokes indicated that the third sentence should be completely struck.

Motion carried unanimously.

APPROVED WITH EDITORIAL CORRECTION

NOTICE OF TERMINATION OF RULEMAKING--CHAPTERS 40 AND 43, WATER SUPPLY FEES

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to terminate rulemaking on the Notice of Intended Action for Chapters 40 and 43. The Commission adopted and filed as emergency rules the water supply fee rules at the August meeting. Since no further changes are recommended to be made to the rules the appropriate action to be taken is to terminate rulemaking.

The rules implement action of the 1995 Iowa Legislature, HF 553, Section 34. This Bill revises existing legislation and rules for assessment of water supply operation fees. The rules generate funds for the water supply program as originally authorized by 1994 Iowa Acts, Senate File 2314, Section 48. The reason for adopting these rules as an emergency filing was to set forth the legislated fee structure and put the new rules into effect as quickly as possible..

- All community and non-transient non-community water systems will be assessed an annual fee of \$25.00 or \$0.14 per person (whichever is greater).
- Transient non-community systems will be assessed \$25.00 per year.
- The fees produce revenue of \$350,000 during each fiscal year.
- The fees for water supply construction permits have been eliminated.

The Commission is authorized to adjust the fee payment by +/- \$0.02 per person served to achieve the Legislature's targeted revenue. The Commission would hold a public hearing concerning a fee schedule adjustment upward or downward for a particular State fiscal year.

Six public hearings were held to receive public input on the rules for water supply fees. Oral comments from 11 individuals and written comments from 8 individuals or groups were received during the public comment period. In addition, 27 people participated in the public hearings without making specific comments. Written and oral comments addressed 8 subjects. The attached responsiveness summary addresses all written and oral comments. Staff recommend no changes to the adopted rule arising from the public hearing and comment period.

(A copy of the Responsiveness Summary is on file in the department's Records Center)

Mr. Stokes reviewed the rulemaking on this issue and noted that since they were emergency adopted and there are no proposed changes to the emergency rules, this previous set of delayed rules should be terminated.

Motion was made by Verlon Britt to approve the Notice of Termination for Chapters 40 and 43, Water Supply Fees. Seconded by Kathryn Draeger. Motion carried unanimously.

Discussion followed in regard to taking enforcement action if an entity does not pay as required.

APPROVED RULE TERMINATION AS PRESENTED

PROPOSED RULE--CHAPTE 20, 22, 23 AND 29, AIR QUALITY RULES UPDATE AND WAIVER OF TITLE V APPLICABILITY FOR SMALL SOURCES - MACT

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will is being provided a draft Notice of Intended Action which proposes to amend Chapter 20, "Scope of Title - Definitions - Forms - Rules of Practice," Chapter 22, "Controlling Pollution," Chapter 23, "Emission Standards for Contaminants," and Chapter 29 "Qualification in Visual Determination of the Opacity of Emissions," 567 Iowa Administrative Code.

The amendments update the adoption by reference date for the definition of volatile organic compounds (VOC) and thereby exempts acetone from the list of VOC.

The amendments clarify that the department reserves the right to require proof that the National Ambient Air Quality Standards have not been violated by any source which is being exempted from the air quality construction permit requirement. Presently, air quality construction permits may only be issued when the director concludes that the expected emissions from sources will not prevent the attainment or maintenance of the ambient air quality standards.

An internal reference to sources which are exempt from the requirement to obtain a Title V operating permit is corrected.

Amendments are made to 567--22.200-207 to incorporate references to the waiver of applicability established in the new rule 567--22.300.

The amendments change the date that voluntary operating permit applications may be submitted from 90 days after Title V program approval by the U.S. Environmental Protection Agency, to July 1, 1996.

A new rule is proposed establishing an optional registration process allowing certain sources subject to Title V permitting to register for a waiver of applicability. This registration waiver is available for sources through December 29, 1997. Sources meeting the eligibility requirements and submitting the necessary documentation will be exempted from applying for a Title V operating permit and from paying the Title V fee. Sources eligible for the waiver must be able to demonstrate that the actual emissions of each regulated air pollutant have been and are predicted to be less than 50 tons per 12-month rolling period, and that the actual emissions of each regulated hazardous air pollutant, including fugitive emissions, have been and are predicted

to be less than 5 tons per 12-month rolling period and the actual emissions of all regulated hazardous air pollutants, including fugitive emissions, have been and are predicted to be less than 12.5 tons per 12-month rolling period. Record keeping requirements are established to ensure continued compliance with requirements of the rule.

Maximum achievable control technology (MACT) standards for hazardous air pollutants for source categories are adopted by reference for secondary lead smelting, petroleum refineries, and for aerospace manufacturing and rework facilities. This rule making also amends the MACT standard for Gasoline distribution by clarifying the relationship of these regulations and regulations established in the petroleum refinery MACT.

This amendment establishes that visible emissions standards of less than 40 % may be established in construction permits.

The requirements for qualification in visual determination of the opacity of emissions is amended to correct the inadvertent deletion of the requirement that individuals certified in visible emissions observation establish experience in opacity reading with a minimum of 250 readings of black plumes and 250 readings of white plumes.

The Commission will be asked to approve a Notice of Intended Action to authorize public notice and comments on the proposed rules at their December meeting.

(A copy of the rule is on file in the department's Records Center)

Mr. Stokes reviewed the proposed rules in detail.

Brief discussion followed.

INFORMATIONAL ONLY

FINAL RULE--CHAPTER 135, UNDERGROUND STORAGE TANKS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to adopt the enclosed amendments to Chapter 135. The amendments generally clarify and update existing requirements to current departmental policy. The amendments do include new provisions that require tank tags to be returned to the department upon request for failure to comply with tank upgrading requirements, financial responsibility, after permanent or temporary tank closure, or when a tank system is leaking. Changes have been made based on public comments received and are noted in the rule preamble.

ENVIRONMENTAL PROTECTION COMMISSION (567)

Adopted and Filed

Pursuant to the authority of the Iowa Code section 455B.474, the Environmental Protection Commission amended Chapter 135, "Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks," Iowa Administrative Code. The amendments were published for Notice of Intended Action as ARC 5807A in the August 16, 1995, Iowa Administrative Bulletin

The amendments are intended to clarify and update existing requirements. The amendments include a new provision in paragraph 135.3(5)"d" requiring an owner or operator to return tank's tags upon request of the Department for failure to comply with rules 135.3(455B) to 135.5 (455B), the financial responsibility rules in 567--Chapter 136, after permanent tank closure, when tanks are temporarily closed for over twelve months, or when the tank system is leaking.

Changes have been made to the rule amendments based on comments the department received. Paragraph 135.3(5)"b" was changed to include a sentence stating the department will refund tank management fees if a tank is permanently closed prior to the effective date of the tags for that year. New paragraph 135.3(5)"e" was modified to make it clear that tank tags must be returned for failure to provide proof of financial responsibility. Subrule 135.9(2), paragraph "a" was modified by removing the requirement to return tank tags for tanks temporarily closed for more than three months. However, paragraph "b" is now amended to include the return of tank tags for tanks temporarily closed for more than twelve months.

The insertion of a new Subrule 135.8(8), "Contamination corrective action levels", has been removed from the final amendments since significant changes to the subrule are being made in another rule notice that changes current corrective action procedures.

These amendments may have an impact on small businesses as provided in Iowa Code section 17A.31.

These amendments are intended to implement Iowa Code section 455B.474.

ITEM 1. Amend rule 567--135.2(455B) by adding the following new definitions in alphabetical sequence and amending the definition of "Surface impoundment" as follows:

"Change-in-service" means changing the use of a tank system from a regulated to a non-regulated use.

"Highly permeable soils" means for the purpose of UST closures: fractured bedrock, any soils with a hydraulic conductivity rate greater than 0.3 meters per day, or any soil material classified by the Unified Soil Classification System as published by the United States Department of the Interior or ASTM designation as (1) **GW** - well graded gravel, gravel-sand mixtures, little or no fines, (2) **GP** - poorly graded gravel, gravel-sand mixtures, little or no fines, (3) **SW** - well graded sands, gravelly sands, little or no fines, or (4) **SP** - poorly graded sands, gravelly sands, little or no fines.

"Permanent closure" means removing all regulated substances from the tank system, assessing the site for contamination, and permanently removing tank and piping from the ground or filling the tank in place with a solid inert material and plugging all piping. Permanent closure also includes partial closure of a tank system such as removal or replacement of tanks or piping only.

"Person who conveys or deposits a regulated substance" means a person who sells or supplies the owner or operator with the regulated substance and the person who transports or actually deposits the regulated substance in the underground tank.

"Surface impoundment" is a natural topographic depression, ~~man-made~~ constructed excavation, or diked area formed primarily of earthen materials (although it may be lined with ~~man-made~~ manufactured materials) that is not an injection well.

ITEM 2. Amend subparagraph 135.3(2)"a"(3) as follows:

(3) Closure requirements under rule 135.9(455B), including applicable requirements of corrective action under rules 135.7(455B) and 135.8(455B).

Replacement or upgrade of a tank system on a petroleum contaminated site classified as a high or low-risk in accordance with subrule 135.8(3) shall be a double wall tank or a tank equipped with a secondary containment system with monitoring of the space between the primary and secondary containment structures in accordance with 135.5(4)"g" or other approved tank system or methodology approved by the Iowa comprehensive petroleum underground storage tank fund board.

ITEM 3. Amend paragraph 135.3(5)"b" as follows:

b. The owner or operator of tanks over 1100-gallon capacity must submit a tank management fee each year of \$65 per tank by January 15 of each year. A one-year registration tag will then be issued for the period from April 1 to March 31. The department shall refund a tank management fee if the tank is permanently closed prior to the effective date of April 1 for that year. ~~The first fee of \$15 per tank is due on January 15, 1988. The fee shall increase to \$65 per tank beginning May 5, 1989.~~

ITEM 4. Amend paragraph 135.3(5)"d" as follows:

d. A person who conveys or deposits a regulated substance shall inspect the underground storage tank to determine the existence or absence of ~~the~~ a current registration tag. If the tag is not affixed to the fill pipe or fill pipe cap, the person may not deposit the substance in the tank except as follows in 135.3(3)"j."

ITEM 5. Amend subrule 135.3(5) by adding the following new paragraph "e."

e. The owner or operator must return the tank tags upon request of the department for failure to meet the requirements of rules 135.3(455B) to 135.5(455B) or the financial responsibility rules in 567--Chapter 136, after permanent tank closure or when tanks are temporarily closed for over twelve months, or when the tank system is suspected to be leaking and the responsible party fails to respond as required in subrule 135.8(1). The department will not return the tags until the tank system is in full compliance with the technical requirements of this chapter and financial responsibility requirements of 567--Chapter 136.

ITEM 6. Amend subrule 135.6(4) as follows:

135.6(4) Reporting and cleanup of spills and overfills.

a. Reportable releases. Owners and operators of UST systems must contain and immediately clean up a spill, ~~or~~ or overfill or any aboveground release, and report to the department within 24 hours, or within 6 hours in accordance with 567--Chapter 131 if a

hazardous condition exists as defined in rule 567--131.1(455B), ~~or another reasonable time frame specified by the department~~, and begin corrective action in accordance with rules 135.7(455B) and 135.8(455B) in the following cases:

(1) Spill, ~~or~~ overfill ~~or any aboveground release~~ of petroleum that results in a release to the environment that exceeds 25 gallons ~~or another reasonable amount specified by the department~~, ~~or that~~ causes a sheen on nearby surface water, impacts adjacent property, or contaminates groundwater; and

(2) Spill, ~~or~~ overfill ~~or any aboveground release~~ of a hazardous substance that results in a release to the environment that equals or exceeds its reportable quantity under CERCLA (40 CFR 302) as of September 13, 1988.

b. Non-reportable releases. Owners and operators of UST systems must contain and immediately clean up a spill, ~~or~~ overfill ~~or any aboveground release~~ of petroleum that is less than 25 gallons ~~or another reasonable amount specified by the department~~, and a spill, ~~or~~ overfill ~~or any aboveground release~~ of a hazardous substance that is less than the reportable quantity. If cleanup cannot be accomplished within 24 hours, ~~or another reasonable time period established by the department~~, owners and operators must immediately notify the department.

NOTE: Any spill or overfill that results in a hazardous condition as defined in rule 131.1(455B) must be reported within 6 hours. This includes the transporter of the product. A release of a hazardous substance equal to or in excess of its reportable quantity must also be reported immediately (rather than within 24 hours) to the National Response Center under sections 102 and 103 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 and to appropriate state and local authorities under Title III of the Superfund Amendments and Reauthorization Act of 1986.

ITEM 7. Amend subrule 135.8(3), paragraph "e," as follows:

e. Evaluation of natural and ~~man-made~~ constructed conduits. An evaluation must be made of the potential for all natural and ~~man-made~~ constructed conduits and utility lines located within 100 feet from the contaminated groundwater or soil, to act as contaminant migration pathways.

ITEM 8. Amend subparagraph 135.8(4)"b"(12), as follows:

(12) The contaminated groundwater plume is within 100 feet of the natural or ~~man-made~~ constructed structures or conduits that could allow the vertical or horizontal migration of contaminants to a protected groundwater source that is used as a public or private water source.

ITEM 9. Amend subrule 135.9(1), paragraph "a," as follows:

a. When a UST system is temporarily closed, owners and operators must continue operation and maintenance of the corrosion protection in accordance with 135.4(2), ~~and any release detection in accordance with rule 135.5(455B), and financial responsibility in accordance with 567--Chapter 136.~~ Rules 135.6(455B) and 135.7(455B) and 135.8(455B) must be complied with if a release is suspected or confirmed. However, release detection is not required as long as the UST system is empty. The UST system is empty when all materials have been removed using commonly employed practices so that no more than 2.5 centimeters (one inch) of residue, or 0.3 percent by weight of the total capacity of the UST system, remain in the system.

ITEM 10. Amend subrule 135.9(1), paragraphs "b" and "c," as follows:

b. When a UST system is temporarily closed for three months or more, owners and operators must notify the department in writing of the temporary closure and ~~also~~ comply with the following requirements:

(1) Leave vent lines open and functioning; and

(2) Cap and secure all other lines, pumps, ~~manways~~ accesses, and ancillary equipment.

c. When a UST system is temporarily closed for more than 12 months, owners and operators must return the tank tags and permanently close the UST system if it does not meet either the performance standards in 135.3(1) for new UST systems or the upgrading requirements in 135.3(2), except that the spill and overfill equipment requirements do not have to be met. Owners and operators must permanently close substandard UST systems at the end of this 12-month period in accordance with 135.9(2) to 135.9(5), unless the department provides an extension of the 12-month temporary closure period. Owners and operators must complete a site assessment in accordance with 135.9(3) before such an extension can be applied for.

ITEM 11. Amend subrule 135.9(2), paragraphs "a" and "b," as follows:

a. At least 30 days before beginning either permanent closure or a change-in-service under paragraphs "b" and "c" below, ~~or within another reasonable time determined by the department,~~ owners and operators must notify the department of their intent to permanently close or make a change-in-service ~~unless such action is in response to a corrective action.~~ An owner or operator must seek prior approval to permanently close a tank in a time frame shorter than the 30 day notice. The required assessment of the excavation zone under 135.9(3) must be performed after notifying the department but before completion of the permanent closure or a change-in-service.

b. To permanently close a tank or piping, owners and operators must empty and clean it them by removing all liquids and accumulated sludge. All tanks taken out of service permanently must also be either removed from the ground or filled with an inert solid material. Piping must either be removed from the ground or have the ends plugged with an inert solid material.

When permanently closing a tank by filling with inert solid material, the tank may not be filled until a closure report is approved by the department. The tank must be filled within 30 days after department approval. The owner and operator must notify the department within 15 days after filling the tank with inert solid material.

ITEM 12. Amend 135.9(2) by adding the following new paragraph "d."

d. Permanent closure procedures must be followed in the replacement of tanks or piping. Notification must be made using DNR Form 542-1308, "Notification of Tank Closure or Change-in-Service." The form must include the date scheduled for the closure. Oral confirmation of the closure date must be given to the DNR field office 24 hours prior to the actual closure. The required assessment of the excavation zone under 139.9(3) must be performed after notifying the department but before completion of the permanent closure or change-in-service.

ITEM 13 Amend 135.9(3)"a" as follows:

a. Before permanent closure or a change-in-service is completed, owners or operators must measure for the presence of a release where contamination is most likely to be present at the UST site. In selecting the sample types, sample locations, and measurement methods, owners and operators must consider the method of closure, the nature of the stored substance, the type of backfill, the depth to groundwater, and other factors appropriate for identifying the presence of a release.

At petroleum UST sites, the minimum parameters that must be analyzed for are:

1. Soil samples must be analyzed for total organic hydrocarbon (TOH) as the products that have been stored in the tank;

2. Groundwater samples must be analyzed for benzene, toluene, ethylbenzene, and xylene with each compound reported separately.

All such samples shall be collected separately and shipped to a qualified laboratory certified under 567--Chapter 42, Part C, within 72 hours of collection. Samples shall be refrigerated and protected from freezing during shipment to the laboratory.

When an UST is removed from an area of confirmed contamination, the department may waive closure sampling if written documentation is submitted with the closure notification. Documentation should include laboratory analytical reports and a site map showing tank and piping locations along with contamination plume and sampling locations.

ITEM 14. Amend 135.9(3)"b" the first paragraph, as follows:

b. For all permanent tank and piping closures or changes-in-service, at least one water sample must be taken from the first saturated groundwater zone via a monitoring well or borehole except as provided in paragraph "g." The well or borehole must be located downgradient from and as close as possible to the excavation but no further away than 20 feet.

If, however, the first saturated groundwater zone is not encountered within ten feet of below the lowest elevation of the tank excavation, the requirement for the groundwater sampling shall not apply unless:

(1) Sands or highly permeable soils are encountered within ten feet below of the lowest level of the tank excavation which together with the underlying geology would, in the judgment of the department, pose the reasonable possibility that contamination may have reached groundwaters deeper than ten feet below of the lowest level of the tank excavation. The method of determining highly permeable soil is found in the departmental guidance documents entitled "Underground Storage Tank Closure Procedures for Tank and Piping Removal" and "Underground Storage Tank Closure for Filling in Place."

(2) Indications of potential groundwater contamination, including petroleum products in utility lines, petroleum products in private wells, petroleum product vapors in basements or other structures, occur in the area of the tank installation undergoing closure or a change of -in-service.

ITEM 15. Amend subrule 135.9(3), paragraph "c," introductory paragraph, as follows:

c. For permanent closure by tank removal, the departmental guidance document entitled "Underground Storage Tank Closure Procedures for Tank and Piping Removal" must be followed. ~~the~~ The minimum number of soil samples that must be taken depends on the tank size and length of product piping. Samples must be taken at a depth of one to two feet beneath the tank fill area ~~approximately three feet~~ below the base of the tank along the tank's centerline. Soil

samples must also be taken at least every ten feet along the product piping at a depth of one to two feet beneath the piping fill area ~~approximately three feet~~ below the piping.

ITEM 16. Amend subrule 135.9(3), paragraph "d," introductory paragraph, as follows:

d. For closing a tank in place by filling with a solid inert material or for a change-in-service, the departmental guidance document entitled "Underground Storage Tank Closure for Filling in Place" must be followed. ~~the~~ The minimum number of soil borings required for sampling depends on the size of the tank and the length of the product piping. Soil samples must be taken within five feet of the sides and ends of the tank at a depth of two to four feet ~~approximately three feet~~ below the base of the tank, but outside the backfill material, at equal intervals around the tank. Soil samples must also be taken at least every ten feet along the product piping at a depth of one to two feet beneath the piping fill area ~~approximately three feet~~ below the piping. If sands or other highly permeable soils are encountered, alternative sampling methods may be required.

ITEM 17. Amend subrule 135.9(3), paragraph "e," as follows:

e. A closure report must be submitted to the department within 45 days of the tank removal or sampling for a closure in place. ~~30 days of completion of soil and water sample analyses.~~ The report must include all laboratory analytical reports, soil boring and well or borehole construction details and stratigraphic logs, and a dimensional drawing showing location and depth of all tanks, piping, sampling, and wells or boreholes, and contaminated soil encountered. The tank tags must be returned with the closure report.

ITEM 18. Adopt new subrule 135.9(7) as follows:

135.9(7) Applicability to Pre-1974 USTs. The closure provisions of rule 135.9(455B) are not applicable to USTs which have been out of operation as of January 1, 1974. For purposes of this sub-rule, out of operation means that no regulated substance has been deposited into or dispensed from the tanks and that the tanks do not currently contain an accumulation of regulated substances other than a de minimus amount as provided in 135.9(1)"a".

Owners and operators or other interested parties are not required to submit documentation that USTs meet the exemption conditions and may rely on this sub-rule as guidance. However, should a question arise as to whether USTs meet the exemption, or owners and operators or other interested parties request acknowledgment by the department that USTs are exempt, they must submit an affidavit on a form provided by the department. The affiant must certify that based on a reasonable investigation and to the best of the affiant's knowledge, the USTs were taken out of operation prior to January 1, 1974, the USTs have not contained a regulated substance since January 1, 1974 and the USTs do not currently contain an accumulation of regulated substances.

If the department has a reasonable basis to suspect a release has occurred, the release investigation and confirmation steps of subrule 135.8(1) and the corrective action requirements as provided in 135.7(455B) and 135.8(455B) shall apply.

ITEM 19. Amend subrule 135.10(1) as follows:

135.10(1) General. When having soil or water analyzed for petroleum or hazardous substances, owners and operators of UST systems must use a laboratory certified under 567-Chapter 42, Part C. ~~ensure appropriate and accurate analytical procedures are used.~~ In addition, they must ensure that all soil and groundwater samples are properly preserved and shipped within 72 hours of collection to a laboratory certified under 567--Chapter 42, Part C, for UST petroleum analyses. This rule provides acceptable analytical procedures for petroleum substances and required information that must be provided in all laboratory reports.

ITEM 20. Amend paragraph 135.10(2)"a" as follows:

a. Laboratory name, address, ~~and~~ telephone number and Iowa laboratory certification number. If analytical work is subcontracted to another laboratory, the analytical report from the certified lab which analyzed the sample must be submitted and include the information required in this subrule.

ITEM 21. Amend subrule 135.10(2)adding the following new paragraphs "p," and "q."

p. Condition in which the sample was received at the laboratory and whether it was properly sealed and preserved.

q. Note that analytical results are questionable if a sample exceeded an established holding time or was improperly preserved. (The recommended holding time for properly cooled and sealed petroleum contaminated samples is 14 days, except for water samples containing volatile organic compounds which have a 7-day holding time unless acid-preserved.)

ITEM 22. Amend subrule 135.10(3) as follows:

135.10(3) Analysis of soil and water for high volatile petroleum compounds (i.e., gasoline, benzene, ethylbenzene, toluene, xylene). Sample preparation and analysis shall be by Method OA-1, "Method for Determination of Volatile Petroleum Hydrocarbons (gasoline)," revision 7/27/93 ~~7/1/91~~, University Hygienic Laboratory, Iowa City , Iowa. This method is based on U.S. EPA methods 5030, 8000, and 8015, SW-846, "Test Methods for Evaluating Solid Waste," 3rd Edition. Copies of Method OA-1 are available from the department.

ITEM 23. Amend subrule 135.10(4) as follows:

135.10(4) Analysis of soil ~~and water~~ for low volatile petroleum hydrocarbon contamination (i.e., all grades of diesel fuel, fuel oil, kerosene, oil, and mineral spirits). Samples preparation and analysis shall be by Method OA-2, "Determination of Extractable Petroleum Products (and Related Low Volatility Organic Compounds)," revision 7/27/93 ~~7/1/92~~, University Hygienic Laboratory, Iowa City, Iowa. This method is based on U.S. EPA methods 3500, 3510, 3520, 3540, 3550, 8000, and 8100, SW-846, "Test Methods for Evaluating Solid Waste," 3rd Edition. Copies of Method OA-2 are available from the department.

Date

Larry J. Wilson, Director

(A copy of the Responsiveness Summary is on file in the department's Records Center)

Mr. Stokes explained that these rules have nothing to do with the RBCA rules that are currently out on public comment. He noted that these rules simply address other corrections that need to be made in the UST regulations.

Charlotte Mohr asked if the last sentence on Page 2, under Item 3, should be stricken. She noted that only half of the sentence has been crossed off.

Mr. Stokes affirmed that the whole sentence should be stricken.

Motion was made by Charlotte Mohr to approve Final Rule--Chapter 135, Underground Storage Tanks. Seconded by Gary Priebe. Motion carried unanimously.

APPROVED WITH EDITORIAL CORRECTIONS

PROPOSED CONTESED CASE DECISION--OWENS & OWENS REALTY, INC., KEITH OWENS; AND HOWARD MAURER

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

On September 27, 1994, the department issued Administrative Order No. 94-UT-43 to Keith Owens and Howard Maurer. The Order was later amended to name Owens & Owens Realty, Inc. That action required the parties to conduct a site cleanup investigation and submit a report (SCR) within 180 days, and to pay an administrative penalty of \$3,100.00. That action was appealed by Keith Owens, and the matter proceeded to administrative hearing on August 3, 1995. The Administrative Law Judge issued the attached Proposed Findings of Fact, Conclusions of Law, and Order on October 5, 1995. The decision affirms the Order.

Either party may appeal the Proposed Decision to the Commission. In the absence of an appeal, the Commission may decide on its own motion to review the Proposed Decision. If there is no appeal or review of the Proposed Decision, it automatically becomes the final decision of the Commission.

Mr. Stokes explained that staff will withdraw this item as the department received an appeal subsequent to preparation of the agenda. He related that the matter will come before the Commission at a later date.

ITEM WITHDRAWN

LEGISLATION PACKAGE - 1996

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

TOXICS IN PACKAGING AMENDMENT**EXPLANATION OF NEED**

This bill amends existing Code language that relates to regulation of toxic metals in packaging. The existing section 455D.19 was drafted from model legislation developed by the Coalition of Northeast Governors several years ago. Since the adoption of the legislation, there have been questions about how the provisions applied to particular packaging situations. Industries that deal with materials in reusable containers pointed out that while a toxic material may be well suited for a packaging task that it was not a hazard to the general public. With reuse and limited exposure of the general public, the benefits could outweigh the potential problems. Changes in definitions and other elements of the section provide clarification of the intent of the law.

It is important to note that these changes were recommended as a result of the Council of Northeast Governors' deliberations on the need for clarification in the toxics in packaging legislation following several years of experience with the bill in a number of states. Enacting these changes will ensure that Iowa law is consistent with the provisions in other states that have adopted legislation on toxics in packaging. Adoption of similar language will make it easier for manufacturers to comply with the provisions.

LEGISLATIVE LANGUAGE:

AN ACT relating to the clarification of limitations on the use of toxic materials in packaging and providing additional exemptions.

Section 1. 455D.19 is amended to read as follows:

455D.19 Packaging — heavy metal content.

1. The general assembly finds and declares all of the following:
 - a. The management of solid waste can pose a wide range of hazards to public health and safety and to the environment.
 - b. Packaging comprises a significant percentage of the overall solid waste stream.
 - c. The presence of heavy metals in packaging is a concern in light of the likely presence of heavy metals in emissions or ash when packaging is incinerated or in leachate when packaging is landfilled.

d. Lead, mercury, cadmium, and hexavalent chromium, on the basis of available scientific and medical evidence, are of particular concern.

e. It is desirable as a first step in reducing the toxicity of packaging waste to eliminate the addition of heavy metals to packaging.

f. The intent of the general assembly is to achieve reduction in toxicity without impeding or discouraging the expanded use of postconsumer materials in the production of packaging and its components.

2. As used in this section unless the context otherwise requires:

a. "Distributor" means a person who takes title to one or more packages or packaging components ~~products or packaging~~ purchased for promotional purposes or resale. Persons involved solely in delivering packages or packaging components on behalf of third parties are not considered distributors.

b. "Incidental presence" means the presence of a regulated metal as an unintended or undesired ingredient of a package or packaging component.

c. "Intentional introduction" means an act of deliberately utilizing a regulated metal in the formulation of a package or packaging component where its ~~combined~~ continued presence is desired in the final package or packaging component to provide a specific characteristic, appearance, or quality. Intentional introduction does not include the use of a regulated metal as a processing agent or intermediate to impart certain chemical or physical changes during manufacturing, if the incidental presence of a residue of the metal in the final package or packaging component is neither desired nor deliberate, and if the final package or packaging component is in compliance with subsection 5, paragraph "c". Intentional introduction also does not include the use of postconsumer recycled materials as feedstock for the manufacture of new packaging materials, if the recycled materials contain amounts of a regulated metal and if the new package or packaging component is in compliance with subsection 5, paragraph "c".

"Regulated metal" means any metal regulated under this section.

d. "Manufacturing" means physical or chemical modification of one or more materials to produce packaging or packaging components.

~~d~~ e. "Manufacturer" means a person who produces one or more packages or packaging components ~~offers for sale or sells products or packaging to a distributor.~~

ef. "Package" means a container which provides a means of marketing, protecting, or handling a product including a unit package, intermediate package, or a shipping container. "Package" also includes but is not limited to unsealed receptacles such as carrying cases, crates, cups, pails, rigid foil and other trays, wrappers and wrapping films, bags, and tubs.

fg. "Packaging component" means any individual assembled part of a package including but not limited to interior and exterior blocking, bracing, cushioning, weatherproofing, exterior strapping, coatings, closures, inks, or labels.

h. "Reusable entities" means packaging or packaging components having a controlled distribution and reuse subject to the exemption provided in subsection 6 paragraph "e".

3. ~~No later than July 1, 1992,~~ A a manufacturer or distributor shall not offer for sale or sell, or offer for promotional purposes a package or packaging component, in this state, which includes, in the package itself, or in any packaging component, inks, dyes, pigments, adhesives, stabilizers, or any other additives, any lead, cadmium, mercury, or hexavalent chromium which has been intentionally introduced as an element during manufacturing or distribution as opposed to the incidental presence of any of these elements and which exceed the concentration level established by the department.

~~4. No later than July 1, 1992, a manufacturer or distributor shall not offer for sale or sell, or offer for promotional purposes, in this state, a product in a package which includes in the package itself or in any of the packaging components, inks, dyes, pigments, adhesives, stabilizers, or any other additives, any lead, cadmium, mercury, or hexavalent chromium which has been intentionally introduced as an element during manufacturing or distribution as opposed to the incidental presence of any of these elements and which exceed the concentration level established by the department.~~

45. The concentration levels of lead, cadmium, mercury, and hexavalent chromium present in a package or packaging component shall not exceed the following:

- a. Six hundred parts per million by weight by July 1, 1992.
- b. Two hundred fifty parts per million by weight by July 1, 1993.
- c. One hundred parts per million by weight by July 1, 1994.

Concentration levels of lead, cadmium, mercury, and hexavalent chromium shall be determined using American standard of testing materials test methods, as revised, or United States environmental protection agency test methods for evaluating solid waste, S-W 846, as revised.

56. The following packaging and packaging components are exempt from the requirements of this section:

- a. Packaging or packaging components with a code indicating a date of manufacture prior to July 1, 1990, and packaging or packaging components used by the alcoholic beverage industry or the wine industry prior to July 1, 1992.

- b. Packages or packaging components to which lead, cadmium, mercury, or hexavalent chromium have been added in the manufacturing, forming, printing, or distribution process in order to comply with health or safety requirements of federal law or for which there is no feasible alternative if the manufacturer of a package or packaging component petitions the department for an exemption from the provisions of this paragraph for a particular package or packaging component. The department may grant a two year exemption, if warranted, by the circumstances, and an exemption may, upon meeting either criterion of this paragraph be renewed for two years. For purposes of this paragraph, a use for which there is no feasible alternative is one in which the regulated substance is essential to the protection, safe handling, or function of the package's contents.

c. Packages and packaging components that would not exceed the maximum contaminant levels established but for the addition of recycled ~~postconsumer~~ materials.

d. Packages or packaging components that are reused, but exceed contaminant levels set forth in subsection 5 paragraph "c", provided that the product being conveyed by the package including any packaging component is regulated under federal or state health or safety requirements, and provided that transportation of the packaged product is regulated under federal or state transportation requirements, and provided that disposal of the packages or packaging components is performed according to federal or state radioactive or hazardous waste disposal requirements. The department may grant a two year exemption if warranted by the circumstances and an exemption may, upon meeting the criterion of this paragraph be renewed for two years.

e. Packages or packaging components which qualify as reusable entities that exceed the contaminant levels set forth in subsection 5, paragraph "c" provided that the manufacturers or distributors of such packages or packaging components must petition the department for exemption and receive approval from the department according to the following standards based upon satisfactory demonstrations that the environmental benefit of the controlled distribution and reuse is significantly greater than it would be if the same package was manufactured in compliance with the contaminant levels set forth in subsection 5, paragraph "c". The department may grant a two year exemption, if warranted, by the circumstances, and an exemption may, upon meeting the five criterion listed below be renewed for two years.

An application for an exemption must document the following measures to ensure that reusable entities will be used, transported and disposed of in a manner consistent with this paragraph.

1. A means of identifying in a permanent and visible manner those reusable entities containing regulated metals for which an exemption is sought.
2. A method of regulatory and financial accountability so that a specified percentage of the reusable entities manufactured and distributed to other persons are not discarded by those persons after use, but are returned to the manufacturer or the manufacturer's designee.
3. A system of inventory and record maintenance to account for the reusable entities placed in, and removed from service.
4. A means of transforming returned entities, that are no longer reusable, into recycled materials for manufacturing or into manufacturing wastes which are subject to existing federal or state law or regulation governing manufacturing wastes to ensure that these wastes do not enter the commercial or municipal waste stream.
5. A system of annually reporting to the department changes to the system and changes in designees.

6 7. By July 1, 1992, a manufacturer or distributor of packaging or packaging components shall make available to purchasers, to the department, and to the general public upon request, certificates of compliance which state that the manufacturer's or distributor's packaging or packaging components comply with, or are exempt from, the requirements of this section.

If the manufacturer or distributor of the package or packaging component reformulates or creates a new package or packaging component, the manufacturer or distributor shall provide an amended or new certificate of compliance for the reformulated or new package or packaging component.

7 8. The commission shall adopt rules to implement this section and report to the general assembly on the effectiveness of this section no later than forty-two months following July 1, 1990, and recommend any other toxic substances contained in packaging to be added to the list in order to further reduce the toxicity of packaging waste.

8 9. A manufacturer or distributor who does not comply with the requirements of this section is guilty of a simple misdemeanor.

9. The provisions of this section shall be severable, and if any court declares any phrase, clause, sentence, or provision of this section to be invalid, the remainder of the section and its relevant applicability shall not be affected.

EXPLANATION:

The bill amends 455D.19 of the Code for the purpose of clarifying its application on packaging materials. At this time the prospective deadlines imposed by the bill have passed, and the ultimate regulation of toxic metals in packaging are now in place. The bill clarifies who is considered a distributor of packaging or packaging components. It also clarifies and expands the conditions upon which an exemption can be granted, including use in containers which are in limited and controlled reuse where the risk of public exposure to the packaging and the disposal of the containers is closely controlled. The changes are consistent with provisions recommended by the Coalition of Northeast Governors who developed the model legislation upon which the original language of 455D.19 was based.

Low Level Radioactive Waste Compact Revisions

Ms. Hay distributed materials outlining the State and Compact Waste Disposal Responsibility. She reviewed that over the past couple of months the Commission has received a set of explanatory notes to the amendments. She explained details of the LLRAWC compact proposed amendments noting that they are the result of two years of negotiations between the six states in the compact. Ms. Hay stated that Ohio adopted these amendments in June 1995. She related that Wisconsin adopted the amendments a week ago and it is incumbent upon Iowa, Indiana, Minnesota, and Missouri, to adopt the amendments as well. She added that all six states have to adopt them in identical form. Ms. Hay stated that she has a copy of the amendment language which contains 56 pages of changes to the existing compact and it is available for anyone who would like to see it.

William Ehm asked if staff anticipate any problems in passing the legislation and whether Wisconsin experienced any problems.

Ms. Hay responded that it was extremely noncontroversial in Wisconsin. She related that no problems are anticipated and IES Utilities are supporting the amendments. IES expressed a few concerns but no major controversy is expected.

Ms. Hay discussed the Toxics in Packaging Proposal and the history of the Coalition of Northeast Governor's deliberations on packaging legislation. She expanded on the toxics shipping and reuse of packaging issues. She explained that changes in the proposed legislation have been worked out so that it is consistent with all other states in the compact.

Brief discussion followed.

Motion was made by William Ehm to approve the 1996 Legislation Package as presented. Seconded by Verlon Britt. Motion carried unanimously.

APPROVED AS PRESENTED

GENERAL DISCUSSION

- Director Wilson reviewed that several years ago the Commission visited a streambank stabilization and improvement project in Story County where the work was being done by ISU. He circulated photos of the area showing comparisons between the area at that time and the present.
- Director Wilson commented that the legislation package from both Commissions is light this year, adding that it will leave time open for the legislative liaisons to spend on the Animal Feeding Operation law and rules and the UST - RBCA law and rules. Both of these topics may take considerable time. He added that the Commission may want to set a day for the legislative reception they normally have in January.
- Chairperson King recognized an Environmental Science Class from Drake University in attendance today.
- Gary Priebe read an excerpt from an article in Readers Digest entitled "Mugged by the Law," regarding the cost of federal, state and local regulations now exceeding the cost of federal taxation. These combined regulations amount to \$17,100 per household annually.

Discussion followed on costs/benefits of regulation.

- Director Wilson told the Commission they might hear from people about the water withdrawal permit for IPSCO. Allan Stokes expanded on details of the permit application and the need to make sure there is enough water to meet everyone's needs. He related that public hearings were held on both permits and a decision will be made sometime within the next week.

- Charlotte Mohr commented that Larry Wilson and Al Stokes attended the Long Grove project in her area last week and she has heard nothing but praise for the DNR.

ADDRESS ITEMS FOR NEXT MEETING

Possibly tour Fawn Engineering

NEXT MEETING DATES

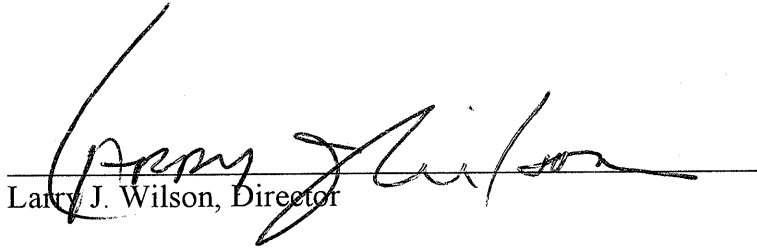
December 18, 1995

January 16, 1996 (Tuesday)

February 19, 1996

ADJOURNMENT


With no further business to come before the Environmental Protection Commission, Chairperson King adjourned the meeting at 2:15 p.m., Monday, November 20, 1995.



Larry J. Wilson, Director



Rozanne King, Chair



Charlotte Mohr, Secretary

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